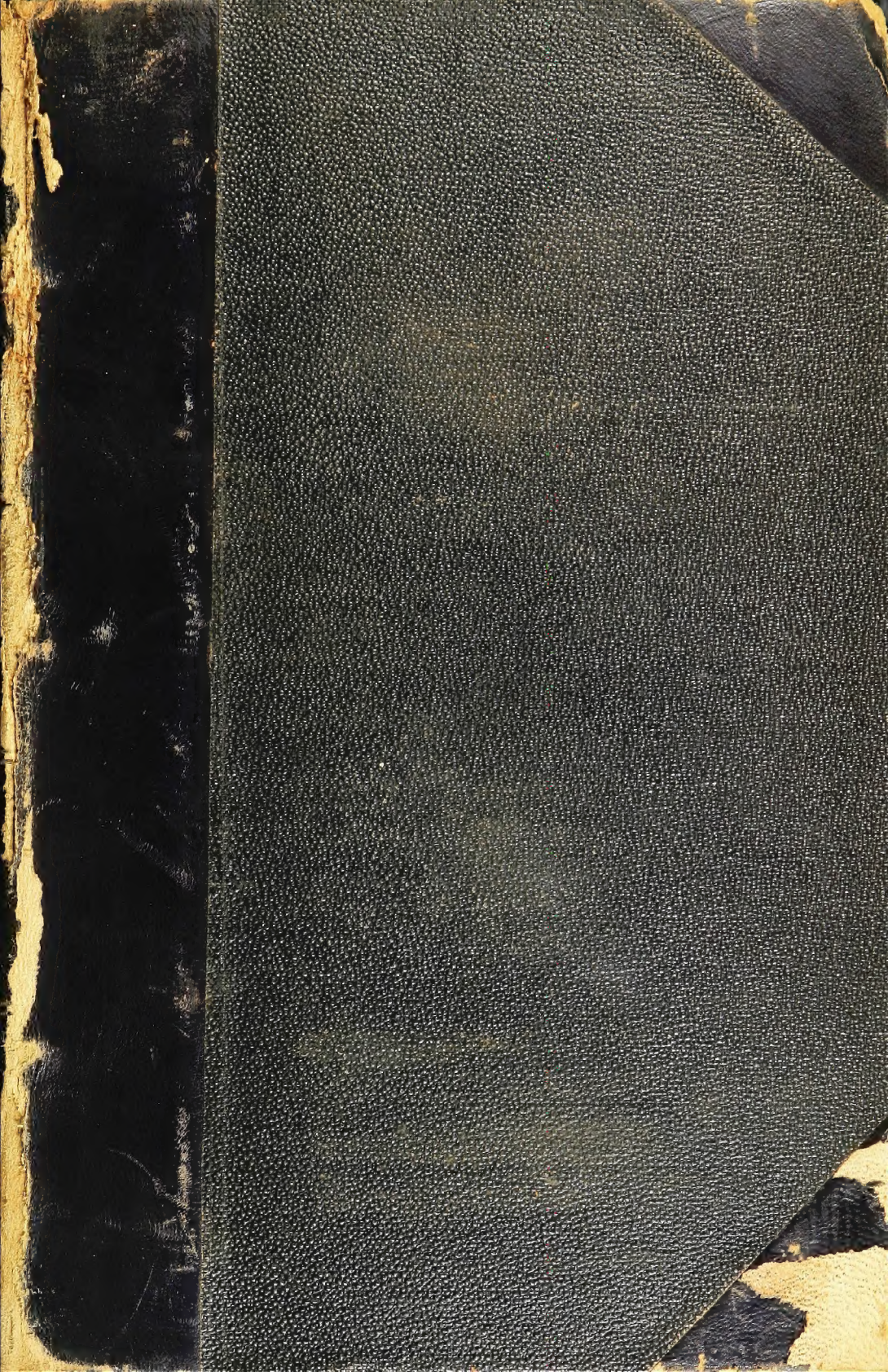
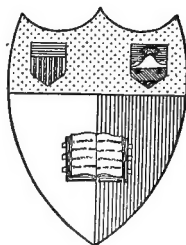




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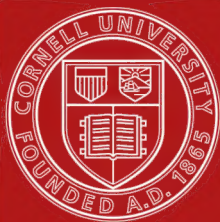
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PROCEEDINGS AND TESTIMONY

TAKEN BEFORE THE

SENATE COMMITTEE ON PRIVILEGES AND ELECTIONS, IN
THE MATTER OF CONTESTING THE ELECTION OF
WILLIAM P. RICHARDSON, OF THE THIRTEENTH SENATORIAL DISTRICT.

ALBANY, WEDNESDAY, *January 27, 1892* — 7 P. M.

The committee met pursuant to adjournment.

Present — Chairman Roesch and Senator Endres.

Chairman ROESCH.— We are ready to proceed, gentlemen.

John M. Gardner, Irving Washburn, Samuel E. Dimmick and Grant B. Taylor appear for C. Fred Lamont, the contestant.

Edwin Countryman, Michael Hirschberg and ——— O'Neil appear for William P. Richardson, the sitting member.

Mr. EDWIN COUNTRYMAN.— If the committee please, I would like, on behalf of one of the counsel of the sitting member of the Senate, at the outset to call attention to the notice or petition, whichever it may be termed, which I suppose is the process or pleading on behalf of the contestant instituting these proceedings. I understand that there are no special rules of the senate regulating the procedure in this class of cases, so that the committee would be governed by the ordinary rules of parliamentary bodies in cases of this character, and I wish for information to call the attention of the committee to the notice or petition with the view of seeing what course we are to take, according to the established method of procedure here, or according to your custom in such cases. This notice seems to have fourteen different counts, if they may be so called, and I have read them over and of course I have no further information of this proceeding than such as I learn from this notice, and I confess after reading it over I have not learned very much. I will read one or two of these as a sample of the entire notice, with one or two exceptions, to which I will call attention. They charge: "First, bribery, corruption and fraud was participated in by the said William P. Richardson, his friends, servants, agents and representatives at said election." That is all of the first count. "Second, that money was corruptly,

illegally and unlawfully used by the said William P. Richardson, his servants, agents and representatives in every election district in the counties of Orange and Sullivan, to influence a sufficient number of voters to secure his election." That was all there was of the second count. "Third, that there was unlawful and illegal solicitation and public electioneering by the said William P. Richardson's servants, agents and representatives on election day, at every election district in the said thirteenth senatorial district, at a distance less than 150 feet from the polling place in each said election district," and so on. There is not, with one or two exceptions out of the fourteen, any more specific allegation of wrongdoing on the part of Mr. Richardson, as a candidate for the senate from the thirteenth senatorial district, than those I have read to the committee as illustrations.

Now, I submit that is hardly enough to inform the sitting member to enable him to prepare to meet these charges. I assume there are a very large number of election districts in this senatorial district, several hundred, taking up the two counties of Orange and Sullivan, and I submit whether it is a fair presentation or statement of the charge of fraud and corruption against a man to say in every one of these election districts, without specifying any particular case, any particular man or person was influenced at the election, to say that this candidate, through his agents, servants and representatives in each and every one of these election districts, committed fraud, without specifying the nature of the fraud, the character of the transaction upon which the fraud is predicated, or giving the slightest information to the opposite party of the facts upon which it is relied to substantiate the charge. I have taken some pains to examine the authorities, the text-books upon this subject, and I find the ordinary rule is, in cases of this character, before legislative bodies, to require a plain, fair and intelligible statement of the transaction, not perhaps as specific, but enough to give the opposite party some clue, some information touching the nature of the charge, in order to enable him to prepare his defense, and in order to enable him to answer the charge. As I understand, there has not been any formal answer interposed to these allegations. I don't know whether your practice is to require a formal answer or not, so as to form at least a formal issue touching the nature of the transactions which are to be litigated before you as representatives of the senate. I have called your attention to this with the view of ascertaining what course we are to pursue on the part of the sitting member. I said there are one or two exceptions to which I call the committee's attention. The first count in which there is any information really is the seventh, which reads

as follows: "That at the second district of the third ward, and the second district of the fourth ward, in the city of Newburgh, while the election was in progress, ballots being received and deposited in the ballot boxes, the inspectors of election at each of said election districts unlawfully and illegally, and with the intent to defeat the result of said election law, contrary to law, opened the ballot box at each of said districts and abstracted therefrom ballots that had been voted by voters." That does give us some information upon which we can proceed. The only other two that it could be claimed were sufficient, are the two following, the tenth and the twelfth. The tenth reads as follows: "That in the fifth district of the first ward of the city of Newburgh, the Democratic inspector of election became intoxicated on election day through the procurement and connivance of the servants and agents and representatives of the said William P. Richardson, and was thereby incapacitated from performing his duty, and was unable to count and canvass the votes after the polls were closed, and allowed the same to be done by a Republican watcher at said polls. That at said polls during the day grave irregularities were practiced."

Now, I submit that if it were true that the Democratic inspector became intoxicated during the day and failed to perform his duties, even though that intoxication was brought about by the agents or servants of one of the candidates at the election, if nothing wrong resulted from it, if there was no wrong count of the votes taken, nothing done which would affect the result at that particular poll, it would not amount to anything one way or the other, and there is no claim, no allegation that in consequence of the intoxication of this inspector there was anything wrong done which affected the result at the polls, but it says, "grave irregularities and practices were allowed to be performed during the day." It does not say which side performed them, whether on the side of the contestant or on the side of the sitting member. I submit that is not enough. The twelfth is the other one, that at some of the election districts in the city of Newburgh, they do not specify which, there are twenty election districts in the city, that at some of the election districts in the city of Newburgh, upon registration day in the absence of the Democratic inspector, the majority of the board of registry placed upon the registry thereof the names of persons not entitled to vote at said election district, and on election day received and deposited in the ballot-box the ballots offered by such persons." If that should be deemed sufficient to enable testimony to be given and put the other party to a contest, there certainly isn't any other of the fourteen

counts which gives the slightest information, tells us where anything wrong was done, except the general allegation in every election district in the senatorial district, what it was that constituted the wrong-doing, or the corruption or the fraud, and I submit it is hardly sufficient to put the member who has the certificate of the State committee, and who is occupying his seat in the Senate under that certificate, it is hardly sufficient to warrant formal investigation of such issues as that without some further amendment or proceeding.

Mr. JOHN M. GARDNER.—If the committee desires us to occupy any time on this subject, I can simply reply to the objection of the counsel by saying that this petition sets forth with the same particularity the allegations which would be set forth in a *quo warranto* action to oust the defendant. What he complains of is, that we have not given details. Details are evidence. We are now prepared to give the evidence. We are not required to give evidence in a petition any more than we are in a pleading. That is the only reply I have to make to that. We have stated in this petition that his election was procured through fraud upon the part of himself, his agents, representatives, and others acting in his interest. That allegation of itself will be supported, if we show that the fact exists that fraud was practiced to procure him a majority of votes. I submit to this committee in brief, that the allegations set forth in this petition are more particular than the ordinary petition contains, in parliamentary bodies, and that while there is no rule upon that subject, we acted very fairly toward the opposit party in being very particular in our allegation.

Chairman ROESCH.—The chair will state that neither by the rules of the senate nor by statute, so far as the chair is aware, is there any mode of procedure prescribed for the conduct of contested election cases. The chair is aware that in Congress a very elaborate set of rules is not alone laid down by the House and by the Revised Statutes of the United States, but as well by the practice of contested election cases for years back; that practice in the House of Representatives prescribed the character of the petition and notice which should be filed, the time within which an answer should be filed, the nature of the proof that must be furnished, and the like, but in the Senate of this state such a course has never been followed, and no set rules have been laid down or adopted at any time. In the cases which this committee has thus far had before them, the committee has held that the petition, even though it may not have been as specific as complaints are usually required to be, should stand and be sufficient; that the contestant should develop his case under that petition, that a reasonable time be afforded the sitting member to answer what may

have been brought forth in the presentation of the case for the contestant. The committee has given a liberal time in the other cases, for filing an answer to the petition by the sitting member, and has not required in that answer that any particular form or particularity should be followed in setting out the defense or the answer to the charges in the complaint. The committee is, therefore, of opinion that the petition should stand as it has been filed with the Clerk of the Senate, and that amendment of it is not needed to enable the contestant to go on and present his case. The committee will state that abundant time will be given to the sitting member to meet the charges which may be developed by the contestant.

Mr. COUNTRYMAN.—The evidence may proceed without waiting to file a formal answer?

Chairman ROESCH.—Yes, sir; it is my opinion that even if no answer were filed at any time by the sitting member, the sitting member could go on to meet the charges made by the contestant in bringing up his case.

Mr. HIRSCHBERG.—And make any other charges if he has evidence to substantiate them?

Chairman ROESCH.—If the committee should make it a majority in in his favor, in the opinion of the committee as against the sitting member, the sitting member undoubtedly would have a right, if he could do so, to show that that majority claimed by the contestant for him was made up perhaps from districts in which fraud had been practiced upon his side. The committee will, therefore, be prepared to go on.

Mr. DIMMICK.—Gentlemen of the committee, I will relieve my friend the opponent, the other side, from the disability under which he claims to have labored, and will be specific in regard to some of the facts which we expect to prove before you, which we claim will compel you to award this seat to the contestant. Before I proceed, perhaps, to be specific in our line of proof, it may be well for me to say that this contest has not been commenced on behalf of the contestant, as some of the papers have alleged, because, as they said, fortunately for him the Senate was Democratic. The preparation for the contest was commenced before it was known really, before it was supposed, that he would have a political majority in his favor. The moment—

Chairman ROESCH.—We do not know yet whether that political majority is in his favor.

SAMUEL E. DIMMICK.—Politically I mean. Almost the moment after the polls were closed he and his friends became convinced of the fact that there were irregularities committed in his district which cer-

tainly should not be allowed to pass by without a contest. The senatorial district has been represented in this chamber for a number of years, with one bare exception, by a Republican, and we have contended all along that it was misrepresented; that the occupant in the thirteenth senatorial chair did not represent the political sentiment of a fair, true, honest majority of the voters of the thirteenth district; and the Democratic party, feeling that way, saw this time and this opportunity not only to prove conclusively, as we say, to you, but to the citizens of the thirteenth district, that it has been by corruption, bribery and fraud for a number of years that they have been misrepresented in this chamber. There is hardly an election district, and in that case the petition of the contestant is absolutely true — there is hardly an election district in the thirteenth senatorial district last third of November but what there were irregularities committed, and a great many of them of the grossest kind. You take Sullivan county, and we shall claim before you in Sullivan county you are met there with your yellow ballots, with paster ballots attached to your certificates; you are met there in one district where there is an improper and a wrong indorsement on the official ballot; in one district, No. 1, a ballot of No. 3 — a Republican ballot of No. 3 — is voted; you come to Orange county, you will find the trimmed ballots attached to the returns in Orange county; you will find inconsistencies in the canvass of the inspectors of election, that it is impossible for any person to recognize. For instance, in one district in Orange county, the districts I do not exactly remember, you will find that the inspectors of election in that district certified that the straight Democratic ticket received 137 votes. C. Fred Lamont was the Democratic candidate for Senator in that district; if there were 137 straight Democratic votes cast at that poll, C. Fred Lamont should have been credited and should have received 137 votes at that poll. But, strange to say, the inspectors of election at that poll certified under their hand and oath that C. Fred Lamont received but 130 votes at that poll; how they can reconcile those two statements it is impossible for me, and, I think, it will be impossible for you, to reconcile? In other districts it is exactly the same way. You will find in other districts, where they certify there is a straight Republican ticket, receives so many ballots, and you will find that Mr. Richardson is credited with a less number of ballots than they have certified the straight Republican ticket received; but, for the time being, as we go on we will develop minutely the different districts that we expect to raise our objection upon what you call technical ground, but our principal objection and the strong objection which we raise to the sitting member is this, that in different and in several

localities and districts, particularly in Orange county, that money was corruptly used and spent by his agents, his servants and his representatives, to place him in this chair. For instance, in the city of Middletown, we will prove to you that there is a club that is known as the German Democratic Club, which consists of over a hundred members; that prior to election this German Democratic club endeavored to enter into communication with Mr. Lamont for the purpose of receiving a pecuniary sum from him; he refused, or in other words, they did not hear from him. Upon the night of election, immediately after it was discovered that the present member was elected, the president of that club telegraphed to Mr. Richardson that the German Democratic club of Middletown had given him over 100 votes that day. That the next day the chairman of the German Democratic club of Middletown, at Middletown, received seventy-five dollars from Mr. Richardson, or his agents, or his attorneys for that vote we say. For a hundred votes. We will prove that in the seventh district of Newburgh, we will get up a little higher price as we get nearer the river or nearer civilization; we will prove in the seventh district of Newburgh, where is located our alms-house, that there were some twenty-six or thirty members of the alms-house that voted in that district, none of whom, we say, were entitled to a vote for two reasons: One reason was that they were not residents of that district, and the other reason is that they were purchased; and as proof of that we will show before the committee that Thursday after election an inmate of the alms-house went through the halls of the alms-house distributing money to the inmates; that he gave one man some money; he gave another man some money; and he came to a man named Duncan and he gave him one dollar; Duncan says, "Where is my three dollars that you were to give me for going down there?" He shoved him to one side and said, "Take that one dollar or else take none." Another inmate happened to be sitting there, and the other inmate stepped up and says, "Where is my money?" He says, "You can't have any, you went with the Democratic wagon and voted the last election." We will prove by another witness, who was present at the seventh election district, that all day the Republican worker was running men to the number of sixty into a little place that he had prepared to meet him, and running from there to the polls, after they voted running back there; that he can give you the names of thirty-five of them, and he is very well acquainted with that district, and has worked in that district quite frequently, and I think his testimony will be that he has never known those persons to vote without receiving a pecuniary consideration. We will prove to you, in addition to that, that in the city of Newburgh there was an electioneering club that was known as the

William T. Sherman club; it was composed of colored people, and that this club has its meeting at No. 100 Water street, which, I believe, is the headquarters of the meeting-room of the Newburgh Republican club of which my friend, I believe, Judge Hirschberg is president. That at one of the meetings of that club a gentleman made a motion that a committee of three be appointed to wait upon Mr. Odell of the colored club, who is the State committeeman residing in Newburgh, and inform him the William T. Sherman Colored club would vote the Republican ticket, provided he gave them \$1,500. This is a little higher than seventy-five. We will prove that at a meeting at 100 Water street, at the Newburgh Republican club rooms, subsequent to that, that Mr. Odell was present and addressed the William T. Sherman Club, and in that address he told them he was going to New York either that night, or the next day, or the day after, and he would see how the friends were in New York, and if they were all right he would make it all right with them, and I believe he returned and it was announced to the club if the 110 men would vote for the Republican ticket they would receive \$600 for it, and the money was to be disbursed from three places after they voted, on election day, from a man's house by the name of Dawson, a man named Alsdorf and a man named Pelham, who at that time was a letter-carrier or in the custom house in the city of New York. I could go on and I could enumerate four or five or more cases of that kind, but I have simply enumerated that to call the attention of the committee to the nature of the proof which we will present before you.

The following is a copy of the petition:

To the Senate of the State of New York:

The undersigned, the Democratic candidate for Senator at the election held in the thirteenth senatorial district on November 3, 1891, and the person who received a plurality of the legal votes cast at said election, protest against William P. Richardson, his Republican opponent representing said district in the Senate and hereby give notice that he contests the alleged election of the said William P. Richardson as Senator from the thirteenth district upon the following grounds and allegations which are stated on information and belief.

First. That bribery, corruption and fraud was participated in by the said William P. Richardson, his friends, servants, agents and representatives at said election.

Second. That money was corruptly, illegally and unlawfully used by the said William P. Richardson, his servants, agents and representatives in every election district in the counties of Orange and Sullivan to influence and buy a sufficient number of voters to secure his election.

Third. That there was unlawful and illegal solicitation and public electioneering by the said William P. Richardson, his servants, agents and representatives, on election day at every election district in said thirteenth senatorial district at a distance less than 150 feet from the polling place in each of said election districts.

Fourth. That non-residents and minors were allowed to and did vote for said William P. Richardson at several election districts in said senatorial district.

Fifth. That the apparent plurality of votes credited to said William P. Richardson by the returns of the inspectors of election in the respective election districts in the counties of Orange and Sullivan was procured by fraud, bribery and corruption of the election officers at the poll as well as of the individual voter.

Sixth. That at several election districts in the county of Orange, the board of registry placed upon the registry the names of persons known to them to be persons not entitled to vote at the respective polls where they were registered and on election day the inspectors of election allowed the persons whose names were thus placed upon the register to vote.

Seventh. That at the second district of the third ward and the second district of the fourth ward in the city of Newburgh, while the election was in progress ballots being received and deposited in the ballot-box the inspectors of election at each of said election districts unlawfully and illegally and with intent to change the result of said election, contrary to law, opened the ballot-box at each of said districts and abstracted therefrom ballots that had been voted by electors of said districts.

Eighth. That ballots marked for identification by the said William P. Richardson, his friends, servants, agents and representatives were caused to be voted and counted for said William P. Richardson at said election, at several election districts in the counties of Orange and Sullivan.

Ninth. That the inspectors of election in over thirty election districts in the county of Orange made improper, illegal and irregular returns of the canvass of the respective election districts to the board of county canvassers and in many cases unlawfully refused to modify or correct said returns when returned to them for correction by the board of county canvassers and that the certificate of the said William P. Richardson as Senator was based upon said improper, irregular and illegal returns.

Tenth. That at the fifth district of the first ward of the city of Newburgh, the Democratic inspector of election became intoxicated

on election day through the procurement and connivance of the servants, agents and representatives of the said William P. Richardson, and was thereby incapacitated from performing his duties and was unable to count and canvass the votes after the polls were closed, and allowed the same to be done by a Republican watcher at said poll. That at said poll, during the day, grave irregularities and unlawful practices were allowed to be done and performed by the servants, agents and representatives of the said William P. Richardson, to the injury of the undersigned.

Eleventh. That almost every device to evade the ballot-reform law was resorted to by the said William P. Richardson, his servants, agents and representatives, to forward his election, and the same was secured through bribery, fraud and corruption.

Twelfth. That at some of the election districts in the city of Newburgh, upon registration day, in the absence of the Democratic inspector, the majority of the board of registry placed upon the registry thereof the names of persons not entitled to vote at said election district, and on election day received and deposited in the ballot-box the ballots offered by such persons.

Thirteenth. That the acts above charged were done illegally and fraudulently, and with the corrupt and fraudulent intent to defeat the undersigned at the election held November 3, 1891.

Fourteenth. That the undersigned was lawfully elected senator from the thirteenth senatorial district by a plurality of the legal votes cast at said election, and is ready to establish by evidence the truth of every allegation set forth above.

WHEREFORE, The said C. Fred Lamont prays that the senatorial seat for the thirteenth district be awarded to him.

C. FRED LAMONT.

ORANGE COUNTY, ss. :

C. Fred Lamont, being duly sworn, says that he is the above named contestant; that he has read the above protest and notice of contest and knows the contents thereof, and that the same is true of his own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters he believes it to be true.

C. FRED LAMONT.

Sworn to before me, this 4th }
day of January, 1892. }

JAMES G. DUNPHY,
Notary Public, Orange County.

HENRY MATHEWS, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Where do you reside? A. Two hundred and twenty-seven Washington street.

Q. Newburgh city? A. Yes, sir.

Q. How long have you lived in Newburgh? A. About seven years, I guess; going on seven years.

Q. Is there a club in the city of Newburgh known as the William T. Sherman Club? A. Yes, sir.

Q. Was that club in existence last fall, before and at the time of election? A. Yes, sir; the club has been in existence about a year; a little over a year.

Q. Were you a member of that club last fall before the election? A. Yes, sir.

Q. Did that club have an executive committee? A. Yes, sir.

Q. How many members were in that club? A. I can't rightly think; I think about 150 or 160; I can't rightly remember.

Q. Will you mention the names of the members of the executive committee? A. I will.

Q. What were their names? A. L. F. Johnson, Henry Mathews, that is my name, William Dawson, Joe Coon, Lew Felin, Frank Arnold; there was seven of us anyway.

Q. The other names you can not now recollect? A. I can't just now.

Q. Were you present at a meeting of the club before election, at which a committee was appointed to wait upon the State committee-man? A. I was.

Q. Where was the meeting held? A. Up over Mr. Owen's store in Water street.

Q. To wait on what committeeman; Democrat or Republican? A. Didn't say; he said, "wait on the State committee;" didn't say whether Democrat or Republican.

Q. Do you know what committee that was that was appointed? A. Yes, sir.

Q. Who were they? A. L. F. Johnson and William Dawson.

Q. Was it a Republican or Democratic club? A. A Republican club.

Q. What was that committee to do?

Mr. COUNTRYMAN.— Objected to.

Q. What were the instructions to the committee by the club appointing the committee?

Mr. COUNTRYMAN.— Better produce the resolution.

Q. Was the resolution committed to writing? A. No, sir.

Q. Will you state what the substance of the resolution was? A. The resolution was to wait upon the State committee and see what they would do; what donation they would give to the club.

Q. At that time or now did it have any personal property; the club; did it have any personal property, furniture or anything? A. No, sir.

Q. Did that committee subsequently report to the meeting that it had waited upon the committeeman? A. Yes, sir.

Q. Were you present when the report was made? A. I was not present when the report was made, but I heard of the report; I was not present.

Q. From whom did you hear what the report was? A. I heard it from the treasurer.

Q. Who was the treasurer? A. William Dawson.

Q. Was he the treasurer of the club? A. Yes, sir.

Q. What did he state to you was the report of the committee?

Mr. COUNTRYMAN.— Objected to.

Mr. GARDNER.— We insist it is competent.

Mr. COUNTRYMAN.— Mr. Dawson, I suppose, is the man to testify.

Mr. GARDNER.— Mr. Dawson is the treasurer of this association or club, and he is as such a member of the club. What he says is to be taken as evidence against this club.

Mr. HIRSCHBERG.— What this witness says he said.

Mr. GARDNER.— I am saying what he says he said. I am asking the witness to state. If these gentlemen do not want this investigation to come out here, we certainly think that it is very unfair on their part; they know in a court of justice this evidence would be competent. That here is a member and officer of a corporation, a treasurer, who is presumed to know all about it.

Chairman ROESCH.— The chair personally is of the opinion that this evidence in a court of justice would not be competent, but this committee is not governed. The chair wishes to state, by the direct rules of evidence; the committee does not intend to allow every bit of hearsay evidence to go into the case, but at the same time the committee sits with almost unlimited power of investigation and scarcely bound down by any rules of evidence; the committee is desirous of confining the proof as much as possible to the character of such proof as would be admissible in a court of justice, yet the committee knows also in investigations of this character, such rules are not applicable, or rather, are not strictly adhered to.

Mr. GARDNER.— I would make the further suggestion that this treasurer, Dawson, was one of the committee himself. So that would make it competent even in court.

Chairman ROESCH.—I do not know about that in court. We are not in court just now. I do not, as a member of this committee, want to allow every bit of evidence drawn from the widest hearsay circles to come in which shall tend, if you please, to besmirch any man's character or to bring any man under unjust suspicion of having engaged in bribery; the committee do not wish to do that, at the same time the committee feels it is its duty to allow considerable latitude in this investigation.

Mr. HIRSCHBERG.—I do not understand they mean to do anything of that kind. There is no imputation on the State committeeman to furnish a sum of money to so deserving a lot of men as this club.

Chairman ROESCH.—The committee will allow this question.

By Chairman ROESCH:

Q. What did Mr. Dawson say to you that the committee reported to the club after having seen Mr. Odell?

Mr. COUNTRYMAN.—Will the chairman allow me to make a single suggestion?

Chairman ROESCH.—Yes, sir.

Mr. COUNTRYMAN.—I suppose Mr. Dawson is here?

Mr. GARDNER.—He is in your camp.

Mr. HIRSCHBERG.—Ain't these all Republicans?

Mr. GARDNER.—They are, but there are the honest ones.

Mr. COUNTRYMAN.—It is admitted on all sides in a court of justice it would be necessary to produce Mr. Dawson to show what he knew of the subject. They propose to show, we will assume at this stage of the case, what Mr. Dawson said to Tom, Dick and Harry. Is that to be taken as corroborative of Dalson?

Chairman ROESCH.—Not at all.

Mr. COUNTRYMAN.—And thus pile up a large amount of evidence here upon a subject which one man only knows anything about?

Chairman ROESCH.—If they conclude their case with simply this character of testimony, without having produced Mr. Dalson, or if they do not produce him, or give some reason satisfactory to the committee for his non-production, stand simply upon this kind of testimony, I am sure that I, as one member of the committee, would not vote for anything that would criminate, if you please, Mr. Odell or any other man on such testimony, but I think the testimony should go in.

By Chairman ROESCH:

Q. What did Dalson say to you that the committee said to the club after having come back from having seen Mr. Odell? A. I want to

say to you, sir, you want me to tell the truth, and nothing but the truth; I want to tell I haven't said anything concerning Mr. Odell; I am talking about the State committee; if anybody knows who the State committee is, then they know who he is, I don't, and I said this Mr. Dalson, when he came back, he made a report to us that we would get \$600, and we got it; he didn't say it came from Mr. Odell; he said it was a donation to the club.

Q. You say, "He made a report to us?" A. To the committee.

Q. To the committee or to the club? A. To the committee.

Q. The executive committee? A. Yes, sir.

Q. Were you present when he made this report? A. I wasn't present when he made this report; he told it to me on the street after they had met and made their report.

Q. After he had been before the executive committee and reported to the executive committee, he met you on the street after the meeting of the executive committee and told you that he had reported to the executive committee? A. Yes, sir; I am a member of that executive committee, and at that time I couldn't get there at 11 o'clock, when this committee was to meet I couldn't get there; I had other business that called me away.

By Mr. GARDNER:

Q. Who was to receive and disburse this donation?

Mr. HIRSCHBERG.— That is objected to unless it was something that somebody said to him.

Mr. GARDNER.— I am asking him for a fact.

By Chairman ROESCH:

Q. Do you know who was to receive and pay out this money?

A. I want to get this thing straight; I don't want to tell a story about it; we had a treasurer there; he was to receive the money.

Q. Was he to pay it out, do you know? A. He paid it out to some.

Q. You mean to say that your treasurer of that club was the man who was to receive and pay out the money? A. The treasurer of the club was the man who received the money, and he paid it out to a good many.

By Mr. GARDNER:

Q. Was it to be distributed in districts? A. That is what it was.

Q. Who was to receive by districts? A. William Dalson, George Alsdorf; they got it, and the other district — I don't know who he was.

Q. Where was Dalson to pay out the money? A. He didn't say where he was, but as I understood — it can be proved here — he paid it out in his own house.

Q. You don't know where he was to pay it out? A. No, sir.

Q. Where was Alsdorf to pay it out? A. Alsdorf paid it out in his own house.

Q. That you know? A. Yes, sir.

By Chairman ROESCH:

Q. In what district or districts was this money to be paid out?
A. In the first ward.

Q. What election district of the first ward? A. That I can't tell.

Q. In any other ward beside the first ward? A. The money didn't say; this money didn't say, that this money, as I told Mr. Gardner, this money didn't say it was give for election purposes, at all; this money was give to help the club along, and they could dispose of it just as they had a mind to; now, what are you going to do with that?

By Mr. GARDNER:

Q. I was only using the language of the witness to me; it wasn't in any specific district that Alsdorf and Dalsen were to be, that you now recall; they were to distribute the money? A. Yes.

Q. Alsdorf distributed the money at his house? A. Yes.

Q. His house—on what street? A. On Washington street.

Q. How do you know he did? A. Because I got mine there.

Q. How much did you get? A. I got five dollars and forty-five cents.

Q. Was this donation of \$600 to be divided up among the members of the club? A. This money was divided up to help the club along, and this money was to give to the club; it wasn't given for votes; now, mark you, I don't want you to get that in; it was give to help the club along; you know that colored people are poor; it wasn't give for that you know, it was give to help the club along, and we was to use it just as we saw fit, and we used it just as we seen fit.

Mr. GARDNER.—That is all for the present.

By Mr. HIRSCHBERG:

Q. How many members do you say there were of the club? A. I can't tell.

Q. In the neighborhood of a hundred? A. More than that, 130 or 120.

Q. Were they all Republicans? A. Yes, sir.

Q. Always voted the Republican ticket? A. Always that I know of.

Q. All those that you know? A. Yes.

Q. You have always voted it yourself? A. Yes, sir.

Q. And intended to vote the Republican ticket on this occasion?
A. Yes.

Q. Did vote the straight ticket? A. Yes.

Q. You always do? A. I always did.

Q. So far as the rest of the members of the club are known to you, they are the same? A. Yes, sir.

Q. The club had no funds, as I understand it, before this donation was given to it? A. No, sir.

Q. You had no money of any kind? A. No, sir.

Q. You had a committee appointed to wait on this gentleman? A. I couldn't say who he was.

Q. You have heard say he was the State committeeman, by which I suppose you mean the Republican State committeeman? A. Yes.

Q. To see if he was willing to make a donation to the club? A. That is it.

Q. They reported back, as you have been told, that he was willing to make a donation of \$600? A. Yes, sir.

Q. And that amount of money was divided equally among you?
A. Yes, sir.

Q. Did this man know that you were a Republican club, the State committeeman whoever he is? A. Of course he did; I suppose he did.

Q. He knew it? A. I suppose he did.

Q. And they reported it to him? A. Yes.

Q. Your club uses the Republican club rooms in the city of Newburgh? A. We do.

Q. You were asked if your club had any furniture; are you not allowed to use the furniture of the Republican club? A. Yes.

Q. Their rooms are on Water street? A. Yes.

Q. The principal business street of the city? A. Yes.

Q. The club rooms are located in the most public part of that principal business street? A. Yes, sir.

Q. The existence of the club was a well known fact, known to everybody in Newburgh, known through the papers for about a year?
A. About a year; yes.

Q. You have seen the name of it referred to in the papers?
A. Can't read, sir.

Q. Was any part of this money used for buying Democratic votes?
A. I couldn't say; as far as I know.

Q. Did you ever hear it was used to buy Democratic votes?
A. No, sir, I never heard it.

Q. So far as you know there was not a dollar of it used to buy a vote or influence a vote? A. Only what we got and spent it.

Q. Was what you got used in any way to influence your vote?
A. No, I spent it at home for a little coal and one thing another.

Q. Did the giving of it induce you to vote one way differently from what you would? A. No; I would have voted the Republican ticket anyway.

Q. Even for nothing? A. Certainly; the principle of a man is this, if you will allow me to tell, that when we ever come down to be Republican, Democrat or anybody else, when we get down to a fine thing, that is so public that we will go to the polls and vote man to man, a black man and white man; the white man wouldn't be half so poor as he is to-day if you will let the money alone; when we come down to the fine thing, Mr. Chairman, when we go to work man to man and shoulder to shoulder, and says, here I am a Democrat and I am a Republican, and I am going to shove my ticket in regardless of money, then we won't have such fights as these, and if you do that you will always be fighting as long as you live.

Q. Did your club offer their vote to Mr. Lamont? A. No, sir.

Q. Nobody was authorized to go to him? A. Not that I know of.

Q. Or any intimation there in the club? A. Not that I know of.

By Chairman ROESCH:

Q. Was your club in existence at the election before the last election, the fall of 1890, when Mr. Taylor ran for Assembly?

A. Yes, when Mr. Taylor ran; because we all voted for him because we liked him.

Q. Did you have an executive committee of the club that year? A. No, sir.

Q. Did you apply to anybody that year for donations to the club?
A. No, sir; we thought we would run on our own hook that year.

Q. Did you apply to anybody else at the last election for donations to the club, except the committeeman? A. No, sir.

Q. Did not apply to the Democratic State committeeman, did you?
A. No, sir.

Q. You got five dollars and forty-five cents? A. Yes.

Q. Who paid it to you? A. Mr. Alsdorf paid my money; I don't know who paid the rest.

Q. What was the five dollars for, and what was the forty-five cents for? A. I will tell you; we got it as a donation; and we being poor, I suppose, like all the poor colored people is, we thought we had better spend it and buy a little coal and wood instead of putting it in the bank; that is the only thing I got.

Q. You got five dollars and forty-five cents? A. I did.

Q. Did you get that on election day? A. Yes, sir.

Q. Before 4 o'clock in the afternoon or after 4 o'clock. A. After 4 o'clock in the afternoon.

Q. After you had voted? A. Yes, sir.

Q. You can't read? A. No, sir.

Q. Who did you get your ballot from to vote? A. Got it in the cubby hole.

Q. Did you get the paster ballot? A. Yes, sir.

Q. Did you get the paster ballot from the same man you got the five dollars and forty-five cents from? A. No, sir.

By Mr. HIRSCHBERG:

Q. What is the paster ballot? A. I don't know what you call a paster ballot; I mean to say we have pasters; you will allow me to explain the thing; I will try to explain it to you; you know we have lots of people in Newburgh that can't either read or write; I am one of them; the law, as far as I know about it, says pasters are just as good as the ticket; well, now then, I want to vote a Democratic ticket; I get a paster—

Q. (Interrupting.) You never did, did you? A. I often do; sometimes I ain't ashamed, you know, whenever I see a good man, let him be Democrat or Republican, he is my man; so you get a paster, and, of course, you go in that cubby hole, and they give you so many tickets, and I always show myself before I go in there, and I get so many pasters; if I want to vote a straight Republican ticket, whatever ballots they give me in there, I get the pasters and when I go in there I paste on any of them: I don't care whether he is a Prohibitionist or who he is; I will paste it on there, and put in any one I want to vote.

By Senator ENDRES:

Q. If you get five tickets you also get five paster ballots, and you put a paster on each one of the tickets you got? A. I didn't say I got them in the cubby hole at all.

Q. You take as many pasters as you have tickets? A. Yes, sir.

Q. You paste one paster on each ticket? A. I do.

By Chairman ROESCH:

Q. If you can't read, how do you make out that you are voting the ticket you really want to vote? A. When I get a Republican ticket I put them all on there; then I know I have got all them pasters, and I know they are all Republican pasters, and I put them on there, and the one I want to vote I put in this hand and they can have the rest.

Q. Then, to make sure, before going in you get only Republican pasters; you get as many Republican pasters as you have ballots; you paste a paster on every ballot? A. That is another consideration, sir; probably, Mr. Chairman, you haven't got in that art yet; we didn't come here to kill or hurt nobody; we only came here to tell the truth.

Q. You just tell the truth and get the chair to get into that art?

A. If you will follow me you will learn that art.

JAMES DuBois, being duly sworn, testified as follows :

By Mr. GARDNER :

Q. You live in Newburgh? A. Yes, sir.

Q. How long have you lived there? A. I couldn't tell exactly how long.

Q. Several years? A. Yes, sir.

Q. At the last election held in the city of Newburgh, were you a member of the Sherman Club? A. Yes, sir.

Q. Did you vote the Republican ticket? A. I voted the Republican ticket.

Q. Did that club receive a donation to vote the Republican ticket? A. That I couldn't tell, what the club received.

Q. Did you receive anything? A. Yes, sir; I received money.

Q. How much? A. Five dollars and forty-five cents.

Q. Who gave it to you? A. Mr. George Alsdorf.

Q. Who lives on Washington street? A. Washington street, a caterer by trade.

Q. The one who Mr. Mathews swore gave him the money? A. Yes, sir.

Q. Where was it he paid it to you? A. He paid it to me in his house.

Q. When did he pay it to you, after or before you voted? A. Paid it to me after I got through work, about 7 or 8 o'clock in the evening.

Q. Did he ask you how you voted before he paid it to you? A. Yes, sir; he asked me how I voted.

Q. What did you tell him? A. I told him I voted the Republican ticket.

Q. Then did he hand you the money? A. Yes, sir.

Q. Did he say anything to you about your having received it as a member of the club? A. No, sir; he didn't say anything about my receiving it as a member of the club.

Q. Do you remember where you voted that day; do you remember the district or ward? A. About half a block below his house.

Q. Was there anybody else in there at the time you were there to get the money? A. There was one old man in there.

Q. Do you know who he was? A. I do not know who he was.

Q. Did you understand that five dollars and forty-five cents was your share of the donation? A. I don't know, because I hadn't attended no meetings last fall.

Q. Did you understand it to be such?

Mr. COUNTRYMAN.—The question is, what was there said.

Q. Did anybody say anything to you? A. No, sir.

By Mr. HIRSCHBERG:

Q. You say you got five dollars and forty-five cents to vote the Republican ticket? A. I didn't get it to vote it.

Q. You didn't get anything to vote the Republican ticket, did you? A. No; I voted the Republican ticket before I got anything.

Q. You have always voted the Republican ticket? A. Yes; I have always voted it ever since I had a vote.

Q. Did you vote alone? A. Yes, sir.

Q. It was 7 or 8 o'clock that night that you went down to Alsdorf's house? A. Yes.

Q. Had you learned there had been some money paid to the club? A. No, sir.

Q. How did you come to go there? A. I was told to go there; I met some of the boys on the street.

Q. That night? A. Yes.

Q. The first you had heard about it was after you had voted? A. Yes, sir.

Q. Hadn't heard about it in any way? A. Hadn't heard about it in no way.

By Mr. GARDNER.

Q. What did he pay you that five dollars and forty-five cents for? A. I don't know any more than he said that was my part.

Q. You part of what? A. He didn't say nothing about that.

Mr. GARDNER.—I want the witness to state.

Mr. HIRSCHBERG.—The testimony of the other witness was it was divided among the members of the club.

Q. You say you understood it was your part; your part of what? A. Of the money that was donated to the club.

Q. Who was it that told you to go to Alsdorf? A. I forget who that was; some of them I met.

Q. Was it some member of the club? A. Yes, sir.

Q. What did he say? A. Said I had better step in; Mr. Alsdorf

wanted to see me, and I stepped in, and he took me in another room; there was another old man in there; he looked over some papers and handed me that money.

By Chairman ROESCH:

Q. Was there more money lying on the table before him? A. No, sir.

Q. Where did he take that from? A. Took it out of his pocket.

Q. He had five dollars and forty-five cents ready for you? A. Yes, sir.

Q. Didn't count it out for you? A. Didn't count it out.

Q. Gave it to you in one lump? A. He counted it out to me.

Q. He said that was your share? A. Yes, sir.

Q. He did not say your share of what? A. No, sir.

Q. Did he say where that money was coming from? A. No; he didn't say where it came from.

Q. Are you a member of the club? A. I was a member of the club last spring, but I haven't had time to attend no meetings this fall.

Mr. GARDNER.—He swore he was a member at the election last fall.

Q. How far away from your home did you vote? A. About a block; right around the corner.

Q. How far away from the gentleman's house who gave you the money? A. It isn't far away; it was right in his house he gave me the money.

Q. How far away from his house did you vote? A. A few doors below him.

Q. About what time in the day did you vote? A. About half-past 12.

Q. You got this five dollars and forty-five cents in the evening? A. Yes, sir.

Q. At about what time? A. Between 7 and 8 o'clock.

Q. Any other of your friends go with you? A. No, sir; there didn't anybody go with me.

Q. Did you meet any of them after you had received the five dollars and forty-five cents? A. No, sir.

Q. Did any of your friends tell you they received five dollars and forty-five cents? A. No, sir.

Q. How did it come to be just five dollars and forty-five cents? A. That I couldn't tell.

Q. You never asked, did you? A. No, sir.

Q. You never voted the Democratic ticket, did you? A. Not yet.

Q. Might perhaps vote it the next election? A. I voted in little town elections.

Q. Can you read? A. Read a little bit.

Q. Can you write? A. A little bit.

Q. Before you went into the polling place to vote did you get some pasters outside? A. Yes, sir.

Q. Did you get them from the gentleman who gave you the five dollars and forty-five cents? A. No, sir.

Q. Who did you get your pasters from? A. I can't think now; I think I got them from Mr. Dalson.

Q. How many pasters did you get? A. I don't know; I think it was one paster he give me.

Q. This was election night you received the money? A. Yes, sir; about 7 or 8 o'clock.

Q. Then did you go to the club-room? A. No; I didn't attend a meeting at all.

Q. Was there a celebration in the club-room that night? A. I don't know; I had nothing to do with that.

Q. Had you been a clerk around the polls on election day? A. No.

Q. What do you work at? A. I work at all kinds of work; musician is one thing; teaching music.

Q. Had you been doing any work on election day? A. Yes, sir; I was to work all day on election day in a stove store; came up home to get my dinner, and my boss told me to vote while I was to dinner.

Q. Then you hadn't done any work around the polls? A. No.

Q. Then you hadn't done any work except the usual work you do to make a living? A. Yes, sir.

Q. And you got five dollars and forty-five cents? A. Yes, sir.

JAMES F. SCHOONMAKER, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Where do you reside? A. Two hundred and twenty-nine Washington street, Newburgh.

Q. Born and brought up there? A. I was.

Q. You were not a member of the Sherman Club? A. I was.

Q. Do you know any of the members of what is known as the Sherman club? A. I do.

Q. Will you mention some of their names? A. A number of them; Frank Arnold, William Dalson, Lorenzo Johnson, Henry Matthews, Lewis Marvin, James DeBois.

Q. You know others? A. I know pretty near all of them.

Q. Did you have any conversation with any of the members of that club after election? A. I did, and during the day of the election.

Q. What did they say to you, if anything, upon the subject of having voted?

Mr. COUNTRYMAN.—(Objected to.) This is attempting to prove an original fact, by mere declarations, hearsay declarations of men on the street.

Mr. HIRSCHBERG.— See where it would lead to if we were to meet it by the same kind of proof.

Mr. GARDNER.— If they are prepared to admit the club all did vote and received part of the donation, then we don't offer the evidence; if they deny it, then we want to offer proof in corroboration of our other witnesses that members of the club openly stated and said that as such members they did receive a part of this donation for voting the Republican ticket.

Mr. COUNTRYMAN.— That is an bold attempt to prove the material fact by mere hearsay.

Chairman ROESCH.— Suppose the witness could state that some man, being able to name him, a voter at that election, had stated to him that he received a sum of money for voting one way or the other from a man, mentioning all the particulars.

Mr. COUNTRYMAN.— If that man was on trial for illegal voting, it would be evidence against him; but his declarations and casual conversations should be evidence against a third person, against Senator Richardson or any other man, would be a most extraordinary thing, it strikes me.

Mr. HIRSCHBERG.— It would be proof of corruption, not that it actually took place, but proof that somebody said so. Look where that would lead to. We could bring witnesses that John Jones, in such a town, had said to a certain person, who told another man, who told the witness, that he had money of Lamont.

Mr. GARDNER.— We are not offering that proof; I am trying to establish the fact that these members, as members, received a part of this donation; that is the issue for this committee. There is no higher evidence than the declaration of the members themselves, when he states they were members of the club and mentions their names.

Chairman ROESCH.— The chair is of the opinion when you do establish that, that you have not yet established anything that enables this committee to conclude fraud or bribery. A political club might receive \$2,000 in a district, an organization.

Mr. HIRSCHBERG.— It is done every day, in every district in the State, some amount.

Mr. COUNTRYMAN.— Suppose they should give evidence of the declaration of Dalson and we should give counter declarations of

Dalson, he didn't do this thing; then you have hearsay both ways, and no original evidence.

Mr. GARDNER.—Would this committee hold the extraordinary proposition that when a committee has received a donation, or a club from either party, and the members of that club have received a part of that donation, and that they have thereby been influenced to vote, that is not evidence to offer?

Chairman ROESCH.—Oh, no.

Mr. GARDNER.—That is what we are trying to do in this case. I only want to get on the proper line of proof in this case, because we have got evidence here enough to show that this club voted for the consideration of \$600 this ticket clear through; I am offering this evidence to prove it. If these members have stated that they received this donation, part of this donation, and voted the Republican ticket, what better proof does the committee want than that of fraud and corruption, I submit?

Chairman ROESCH.—The committee will allow the evidence, and will attach to it whatever weight the committee thinks should be attached in the line of all other proof that may be offered in the case.

By Mr. GARDNER:

Q. Did you have a conversation after election with one George Taylor? A. I did not.

Q. Did you, with one William Brown? A. I had the day of election; the forenoon of the election.

Q. Did you, on the day of election, have a conversation with George Taylor? A. I did.

Q. What was that conversation with William Brown? A. He remarked to me that the Roswell P. Flower Club would be left in the cold; that the Sherman Club was in it; that they made an offer of five wheels, the way he termed it.

Q. Did he say that he had received? A. He didn't say he had received; he said that was what they were offering the boys.

Q. The members of the Sherman Club? A. Exactly.

Q. Did you have a conversation with one Arnam? A. Yes; I was followed all over through the day by Arnold, until the polls closed.

Q. What did he say to you? A. He wanted to know if we couldn't come up to the Sherman's figures.

Q. How much did he say they were? A. Said they were five dollars and forty-five cents.

Q. Was that James Arnam? A. Fred Arnam.

Q. Was he a member of the Sherman Club? A. He was; been

influenced so from the Flower Club by the rumor of the amount they were to get and number of others.

By Chairman ROESCH:

Q. Do you mean he had been a member of the Flower Club? A. I do.

Q. And left the Flower Club and went to the Sherman Club? A. Yes, sir.

By Mr. GARDNER:

Q. Did you have conversation with any of the other members of that club that day? A. I don't know as I did; if I did I don't remember just now if I did.

Q. Was Arnam formerly a member of the Flower Club? A. He was.

Q. And before election did he join the Sherman Club? A. The night before election, I believe it was, when I received word.

Q. Who did you receive word from; who told you? A. I received word from the members of the Sherman Club.

Q. What members? A. I can't remember exactly, which ones they were now, because I didn't pay much attention.

Mr. COUNTRYMAN.—Now, we have not the declaration of any particular man, but general rumor of a declaration.

Mr. GARDNER.—If counsel will allow us to complete the examination before he makes his criticism, perhaps he may change his mind.

Q. Will you now recall any one particular member who told you so? A. That Arnam was a member of the Sherman Club?

Q. Yes, sir? A. There were several members of the Flower Club, which had a meeting the same night, said they saw Arnam and several others going down to the Sherman Club, and I know they wasn't at the Flower Club meeting, which convened the same night.

Q. Did you have a talk with Hartis? A. I did not.

Q. You know him? A. I do.

Q. What club did he belong to? A. He was at one time a member of the Flower Club, but went likewise as the others did.

Q. On election day did you have a conversation with him? A. I did not.

Q. Did you the day before? A. Never had any conversation with the man any more than to speak to him, as I met him in the street, and record his name at one time on the book of the Flower Club.

Q. Did you see any of the members of the Sherman Club go up into the house of Alsdorf on election day? A. I didn't see them go into it; I saw them come out of it.

Q. Who did you see come out of it? A. I know particularly I saw a man named James DuBois coming out in the afternoon, and I saw Lemmon Pelham come out in the afternoon.

Q. They were members of the Sherman Club? A. They were.

Q. What time did you see them come out of Alsdorf's house? A. It was after 2 o'clock; I don't remember what the hour was.

Q. That was the Alsdorf house to which Matthews referred in his testimony? A. George H. Alsdorf, the caterer, 261 Washington street.

Q. Did you see anybody coming out of Dalson's house? A. I did not; heard of their coming out; I didn't go out of the house after election.

Q. You have mentioned two of having seen come out of Alsdorf's house; do you recall any others? A. No; I don't know as I do, as I paid very little attention to it; my attention was attracted by seeing them come out, as I was passing to and fro.

That is all.

By Mr. HIRSCHBERG :

Q. This Flower Club, is it a colored club? A. It is; it is the African-American Flower Club, known as the name of the Flower Club.

Q. Roswell P. Flower Club? A. Yes, sir.

Q. When was it organized? A. Some time in September.

Q. How large a membership had it? A. Had a very numerous membership at one time, but hadn't at the day of election.

Q. How many had it at its highest tide? A. Forty-two.

Q. There were other members of it who still remained faithful on the day of election besides yourself? A. There were.

Q. How many? A. I don't know exactly how many, because I didn't count them.

Q. From rumor? A. I don't know.

Q. From what somebody told you, whose name you don't remember? A. I don't know.

Q. About how many? A. I haven't the slightest idea to give an account of about how many, because I wasn't at the club-room at the time of the election any more than to go in as I came from my work; the club room was 280 Washington.

Q. Whose house was that? A. I don't know.

Q. Was the room hired by the club? A. It was.

Q. You don't know whose house it is? A. All I know the room was hired, and I was told it was the place for the Flower Club to meet.

Q. How many met there? A. Different times; I don't know exactly.

Q. How many do you know? A. Sometimes a dozen, sometimes half a dozen, sometimes less.

Q. Different persons? A. The same persons met there different times, of course.

Q. Do you know how many wheels they run on? A. They didn't run on any wheels, they run on their merits.

Q. These two names are the only ones you can name that left the club, Arnum and someone else, Hartis? A. There were other members.

Q. Can you name them? A. Glid Youmans, Theodore Bedine, Emmet Miller, Isaiah Shevan and a number of others.

Q. These are all that you can name? A. That is all I can remember just now to name them.

Q. Who was the president of the Flower Club? A. Eugene Youmans.

Q. Was he one that left? A. No, sir.

Q. Who was the treasurer? A. Didn't have any treasurer.

Q. What other officers did they have? A. President, vice-president, secretary.

Q. Have any furniture? A. No, sir.

Q. Or any funds? A. No, sir.

Q. Have anything but the name? A. Had the name; that is all, I believe.

By Chairman ROESCH:

Q. Did you have an executive committee? A. We did not.

Q. Did you visit the state committeeman before election? A. No, sir.

Q. Democrat or Republican? A. Neither one.

Q. What ticket did you vote at the last election? A. I voted the ticket of the club I belonged; Flower.

Q. Did any of the men that came out of this house speak to you as they came out? A. No, sir; they didn't speak to me; I wasn't in it.

Q. You think you are in it now? A. I don't know what I think.

WILLIAM A. BROADHEAD, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live in Newburgh? A. Yes, sir.

Q. At the last election were you a member of the Sherman Club?
A. Yes, sir.

Q. Did you receive a share of the donation? A. I did; yes, sir.

Q. How much? A. Four dollars and fifty cents.

Q. Where did you receive it? A. To Mr. Dalson's house.

Q. What street? A. Washington street.

Q. At what time did you receive it? A. About half-past 3.

Q. After or before you voted? A. After.

Q. Was anybody present in the room when it was paid to you?
A. No, sir; nobody but myself.

Q. What ticket did you vote? A. I voted the Democratic ticket; I supposed it to be one.

Q. Are you sure about that? A. I couldn't positively swear to it.

Q. What makes you think it was a Democratic ticket? A. It was given to me for that way.

Q. Who gave it to you? A. Mr. Dalson.

Q. Was he handing out tickets for the Democrats that day? A. I couldn't say, not knowing; he was giving out tickets.

Q. You took the ticket from the man that gave you the money? A. Yes, sir.

Q. How do you know it was a Democratic ticket? A. I couldn't tell you, not knowing.

A. Wasn't it a Republican ticket that you voted? A. It might have been Republican or Democrat for all I know.

Q. You stated to me day before yesterday it was a Republican ticket, didn't you? A. I presume I did.

Q. You made an affidavit to that effect, didn't you? A. I presume I did.

Q. Why did you do it if it had been a Democrat ticket you voted?
A. I couldn't say, not knowing.

Q. You were sure then it was a Republican ticket, weren't you?
A. Boss, I wouldn't say for sure it was a Republican or Democrat.

Q. Can you read? A. I can not.

Q. Did Dalson tell you it was Republican? A. No; he didn't tell me either one.

Q. Did anybody else see the ticket? A. No, sir.

Q. Then you don't know which ticket it was? A. No, sir.

Q. You know what Dalson is? A. I know he is a colored man.

Q. What are his politics? A. I couldn't tell you that, not knowing.

Q. What did you get the four dollars and fifty cents for? A. I supposed for voting the ticket what he handed me.

Q. Dalson was a member of the Sherman Club? A. I think he was; he told me he was.

Q. Didn't he tell you that money came from the Sherman Club? A. He said that he had the handling of the money, and he was distributing it around among the boys.

Q. Distributing what? A. The money.

Q. What money? A. The money what he had, I suppose, whoever gave it to him.

Q. Who gave it to him? A. He told me that Mr. Odell gave it to him.

By Mr. HIRSCHBERG:

Q. When did you vote; what time? A. It was about half-past 11.

Q. In the morning? A. Yes; in the forenoon.

Q. Where was the voting places; how near Dalson's house? A. Some distance away.

Q. Quite a distance away? A. Yes, sir.

Q. You don't know anything about what the ticket was? A. No; I do not.

By Chairman ROESCH:

Q. Had you heard that any of your friends, or had been told by any of your friends, members of the Sherman Club, that they received five dollars and forty-five cents? A. No; I did not.

Q. Did you see anybody before you voted? A. Yes, sir.

Q. In regard to the money that you were to get? A. Yes, sir.

Q. Who did you see? A. I see Mr. Mathews, and he told me to go up to Mr. what you call it's and get it.

Q. The gentleman who was on the stand here to-night? A. Yes, sir.

Q. He told you to go where? A. To Mr. Dalson's house, and get my money.

Q. Did he tell you how much you were to get? A. No, sir.

Q. This was before you voted? A. After I voted.

Q. Did you speak to anyone before you voted? A. No, sir; only Mr. Dalson.

Q. You spoke to no one in regard to money before you voted? A. No, sir.

Q. You got this after you had voted? A. Yes sir.

Q. Were you a member of the Sherman Club? A. Yes, sir.

Q. Were you on the executive committee? A. I don't understand.

By Mr. HIRSCHBERG:

Q. You didn't know anything about there being any money until after you had voted? A. No, sir.

Q. When did you make this affidavit that Mr. Gardner speaks about? A. Tuesday.

Q. Were you paid anything for them? A. No, sir.

Q. Were you paid anything for coming here? A. No, sir.

By Chairman ROESCH:

Q. What do you work at? A. Confectioner; making ice cream.

Q. Did you work at your business on election day? A. I did; yes, sir.

Q. You weren't a worker around the polls? A. No, sir.

Q. Didn't do any work for the Sherman Club? A. No, sir.

Q. Didn't do any work on election day except that which you do for your living? A. Yes, sir.

Q. Went there and voted? A. Yes, sir.

Q. And that is all you did? A. Yes, sir; I went there, of course, and got my money.

By Mr. GARDNER:

Q. Has anybody been talking to you since last Tuesday, telling you to say you voted for a Democrat? A. No, sir; nobody at all, whatever.

Q. What did you mean when you said you voted for a Democrat; do you mean to take that back?

Chairman ROESCH.—I think the committee need not go into that any further.

LEWIS MARVIN, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Where do you reside? A. Newburgh.

Q. Were you a member of the Sherman Club at the last fall election? A. Yes, sir.

Q. Were you occasionally present at its meeting? A. Not all the time.

Q. Were you once in awhile? A. Once in awhile; very seldom.

Q. Were you present at one meeting when Mr. Odell was there? A. I was there one time when he was there.

Q. When he addressed the meeting? A. Yes, sir.

Q. Will you state what Mr. Odell said to the meeting? A. I don't know exactly what he said, but he talked he would like to have this club going on; keep it up, and he would probably help the boys keep it up; as near as I could find out what he said, that is to buy coal, I suppose.

Q. Did he say how much he would give the club to help it along? A. He did not to me.

Q. Did he to the club? A. I did not hear.

Q. He did not mention the amount? A. No, sir.

Q. Did you vote on election day? A. I did.

Q. Did you vote the Republican ticket? A. I did.

Q. Who handed you your ticket? A. I got them inside where they hand the tickets out; the polling place.

Q. Did you afterwards see Mr. Alsdorf? A. No, sir.

Q. Mr. Dalson? A. I saw Mr. Dalson.

Q. At what time? A. About 4 or 5 o'clock.

Q. Where did you see him? A. In his house.

Q. Did he pay you any money? A. He did.

Q. How much? A. Four dollars or five dollars and something.

Q. Don't just remember the amount? A. I don't remember the amount of money; four dollars and something.

Q. What did he pay you that much for? A. I suppose he paid me that because I voted.

Q. Was anything said by him during the day as to how you should vote? A. No, sir.

Q. Did you understand that the money which you received was part of your share of the donation? A. Yes; supposed it was to be.

Q. As a member of that club? A. As a member of that club.

By Mr. HIRSCHBERG:

Q. When did you hear about the money? A. Oh, I don't know when I heard about it.

Q. Was it after you voted? A. Yes; after I voted I heard about it; I didn't hear about it before.

Q. You hadn't heard about any money before you voted? A. No, sir.

Q. You didn't vote then because they paid you money? A. I didn't hear nothing about it.

Q. You always vote the Republican ticket? A. Yes.

Q. You voted the same way as you have always done? A. Yes, sir.

Q. Did you understand this money had been donated to the club? A. Yes, sir.

Q. That is all there is of it? A. That is all that I know of.

Q. What time did you vote? A. Must have been about 9 o'clock or half-past 9.

Q. Early in the day? A. Yes, sir.

Q. Vote alone? A. Yes, sir.

Q. Go to the polls alone? A. Yes.

Q. Pick out your tickets? A. One in the poll-box, as you call it; I pasted them all.

Q. You can't read or write? A. I can read; I can't write any.

By Chairman ROESCH:

Q. When did you join the Sherman Club? A. I can't tell exactly when it first commenced.

Q. How long before election? A. Two years ago.

Q. Were you ever a member of the Flower Club? A. No, sir.

Q. How much did you get, did you say? A. Four something or other; four dollars and some cents; I can't remember how much.

Q. Were there different classes of members in that club? A. No; not that I know of.

Q. Did you know that some of the members got five dollars? A. May be some of the members got more than others.

Q. Do you know why some got more than others? A. No; I couldn't say why they got more than others; the head leaders got the most, likely.

Q. What is your business? A. Jobbing around; working.

Q. Were you working election day? A. I was working on the ice to-day.

Q. Were you working on election day? A. No, sir.

Q. Were you a worker around the polls? A. No, sir.

Q. Didn't do anything for the Sherman Club except to go there and vote? A. No, sir; that is all I done.

By Mr. GARDNER:

Q. Has there been any meeting since the election, of the club? A. I believe there has; I don't know; I haven't attended any of them; they have had meetings.

Q. You did attend meetings before election as a member of that club? A. I did, but not very often.

By Mr. HIRSCHBERG:

Q. The club has had a good many meetings? A. Yes; meets all through the year.

JOHN J. HASBROUCK, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You just got here? A. Just got here this minute; I was going off to the lake and a gentleman just happened to catch me.

Q. Who was it? A. Couple of gentlemen here with me.

Q. You live in the city of Newburgh? A. I have lived in the city of Newburgh a little over twenty years.

Q. Were you a member of the Sherman Club? A. No, sir.

Q. Did you ever attend any of the meetings of the Sherman Club? A. I went in there.

Q. When? A. I went in last fall when the Sherman Club met there.

Q. Was that before election? A. Yes, sir; election commenced.

Q. Was it before election? A. No, sir.

Q. Do you just recollect when it was; before or after? A. It wasn't before or after; it was just as the election was.

Q. On election day? A. It wasn't exactly on election day; I was there the day before election.

Q. Were there quite a few members present at the time? A. Yes, sir; quite a good many.

Q. Was Mr. Odell there? A. Yes, sir.

Q. Did Mr. Odell address the meeting? A. He addressed the meeting; yes, sir.

Q. What did he say? A. Well, he formed the meeting; as far as I can realize, he formed the meeting; he says, when the meeting is, "Boys, I will see you;" that is all I know.

Q. When did he say he would see them? A. He didn't exactly say, sir.

Q. Didn't mention any time? A. He didn't mention no time.

Q. Did he say anything about giving them a donation? A. He didn't say to the minute at that time; he says, when the boys got there he says, we will have a good time after the election; come to me into the office; that was into the club-room.

Q. After election? A. Yes, sir.

Q. Did he say anything to the meeting about calling on Mr. Dalson and Alsdorf? A. I can't remember that; if he ever did.

Q. Did Mr. Odell ask, at that time, the Democrats to go out of the room? A. They got Mr. — what is his name — got up and says, "If there is any Democrats in this room, order them right out of this room."

Q. Who said that? A. If you give me a little time to give you a little information, I will give it to you; if you don't I can't give it to you.

Q. You have all the time you want? A. I think Mr. Matthews spoke up and says, "If there is any Democrats in let them go over into the other room;" and I think they all went out there; anything that was Democrats in this room let them go out in the room, I guess, I can't say now but I think there was about ten or twelve went out and he says that is right, as far as I can say.

Q. Did any of them go back after they went out? A. They went in a back room and went in and came in.

Q. Did some go back and join the club? A. Hold on and let me tell you; I don't want no man to ask me a question until I give it to him right, what I am going to say; I didn't come up to Newburgh to

make a slur on this company; I am going to tell you right off plain just what I know and what I don't know I ain't going to tell you; I come here purpose for that business; I was in the stable this afternoon, a couple of certain gentlemen came in here and we missed the train and betwixed you all gentlemen here and I didn't want to come here because I had a trot on hand; I am going to give you my decision what I had on hand; I had a trot at Orange lake and my boss was mad because I was going away and these two gentlemen came and says, "Try and catch this train;" we walked down to the train and says, "You can't catch this train until 6 o'clock;" see what I am giving you right off.

Q. Did some of them go back in the club, the Democrats that went out that night? A. Yes; quite a good many; don't you forget what I am telling you; I didn't come up from Newburgh for nothing.

Q. Who were they that went back? A. I can mention some but I ain't going to mention.

Q. Mention some of their names? A. I didn't come up here purpose.

Q. Who were those Democrats that went back that night in the club?

Mr. O'NEIL.—How is that material?

Mr. GARDNER.—I will show it material.

Q. Who went back, can you name them? A. One of the Youmans went back on the Democratic party; all the Youmans' were always Democrats.

Q. Was he one of them that went back? A. He went back from the party; never voted anything else but the full Republican ticket; you ain't got no skip to talk with.

By Chairman ROESCH:

Q. You will have to try and answer us and make as few words about it as possible because we haven't got very much time. A. I understand that.

Q. Answer Mr. Gardner's question. A. Certainly; that is all right.

By Mr. GARDNER:

Q. Did Mr. Odell, at that meeting that night, say this, or this in substance: "I am going to New York to see the rest of the boys, how the rest of the boys get along?" A. He said he had been to New York and seen the rest of these boys — all the boys were all right.

Q. Did he say also after election: "I want you all to meet down here, and if you don't then go to the house of William H. Dalson and George Alsdorf and Lew Pelham and the whole party would receive about five dollars apiece?" A. Yes, sir.

Mr. COUNTRYMAN.—Is that a fair way?

Chairman ROESCH.—The committee will allow it with this witness.

The WITNESS.—Call me way from Newburgh for this little action between you Albany fellows — by God, I will give it to you.

Q. Did you vote that day? A. I voted that day.

Q. Did you see Dalson? A. I seen Dalson.

Q. Did you get any money from him? A. Yes.

Q. How much? A. I got three dollars from him, if you want to know.

Q. What did you get the three dollars for? A. He says that is what the boys was getting there, and the rest was getting five and six; and he said, come right into my house, and give me that money, and says that Alsdorf had paid him; he had paid a little more, and he was out of money; he was out of pocket.

Q. That was the reason he couldn't give you over three dollars? A. He couldn't give me what he offered to give me.

Q. What did he offer to give you? A. The right fee was five dollars; I am going to tell you right straight.

Q. Do you know any of the members of that Sherman Club that received any money for voting? A. Yes.

Q. Can you mention their names? A. I can mention their names.

Q. Mention them. A. There was —

Mr. HIRSCHBERG.—Is he telling this of his own knowledge?

Mr. GARDNER.—Yes; that is the form of the question.

By Chairman ROESCH:

Q. Mr. Gardner asks you whether you know yourself that anybody got money for voting. A. I do; I know a number.

Q. You know it yourself? A. I do.

Q. You must not tell us what you heard somebody else said? A. I ain't telling you.

Q. Tell us? A. I didn't come here purpose to tell you myself; I wouldn't come here to-night only a party came here; I would have went somewhere else, but a party came here.

Q. Tell us who received money besides yourself, so far as you know? A. I can tell a number.

Q. Name them? A. I can mention a number.

Dy Mr. GARDNER:

Q. Did you know a man named Major Cliff Bodine? A. Yes.

Q. Did he receive money? A. He did receive money.

Q. And you know it? A. I know it; yes, sir.

Q. James DuBois? A. Yes, sir.

Q. How much did Bodine get? A. The price was five dollars.

Q. How much did he get? A. He got five dollars.

Q. How do you know? A. As far as I heard them telling among the rest.

Q. You heard him say so? A. I did.

Q. James DuBois, do you know how much he got? A. He got five dollars.

Q. Henry Reed? A. He got five dollars.

Q. How do you know? A. He told it there — my good God, I live right there.

Q. William Johnson? A. He got five dollars.

Q. How do you know? A. I live right there.

Q. Did he say anything to you about it? A. No; they went and made their ply about it, about what they got.

Q. Boasting about what they got? A. Yes; went to Alsdorf; he give six dollars.

Q. Thomas Schoonmaker? A. He got five dollars.

Q. Samuel Thompson? A. He got five dollars.

Q. Elias Mahosen? A. He got five dollars.

Q. Abe Miller? A. He got five dollars.

Q. Samuel Sailor? A. He got five dollars.

Q. Robert Schoonmaker? A. Got five dollars.

Q. Thomas Coon? A. Got five dollars.

Q. Al. TenBook? A. He is dead; he got five dollars.

Q. George Brush? A. He got five dollars.

Q. Amos Murray? A. He got five dollars, because he told me with his own mouth.

Q. George Murray? A. He got five dollars.

Q. Charles Murray? A. He got five dollars.

Q. John DuBois? A. He got five dollars.

Q. Leonard DuBois? A. He got five dollars.

Q. George Marvin? A. George Marvin got five dollars.

Q. Lew Marvin? A. Got five dollars, because he told me.

Q. William Marvin? A. I can't tell you.

Q. Charles Banks? A. I can't tell you that.

Q. Noah Carter? A. He got five dollars.

Q. Were there anybody else besides those I have mentioned?
A. No, sir; I can't tell you; what I can't tell you, I can't tell you.

Q. Were they all members of the Sherman Club? A. They were all members of the Sherman Club.

By Mr. HIRSCHBERG:

Q. You weren't there when they were paid the money, that is, the different men you have mentioned? A. I was close by the house.

Q. Were you in the house when they were paid? A. I wasn't in the house; I was outside of the house.

Q. You weren't in the house at all when they were paid? A. I see these fellows walking back.

Q. Is it what they said to you that makes you say they got the money? A. They did get the money, because they came out and showed it, and went and dranked it, and asked me.

Q. It was what they showed you and what they told you? A. Yes, sir.

Q. You didn't see it? A. I didn't see what money they got.

Q. You didn't see it paid to them? A. No; I didn't see it paid to them.

Q. Did you see money paid to anybody on election day besides yourself? A. No, sir; and I didn't get no money paid; my wife was setting there, and the gentleman came right there to my house, and I ain't afraid.

Q. How long was that after you voted? A. Three days after I voted.

Q. What are your politics? A. My politics, and I never voted anything else but a straight Republican ticket.

EUGENE YOUMANS, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Where do you live? A. Newburgh.

Q. You have lived there some years? A. Yes, sir.

Q. Last fall were you the president of the Flower Club? A. Yes, sir.

Q. How many members were in the Flower Club? A. Had forty-seven at one time.

Q. Did you know any of the members of the Sherman Club. A. Yes; a few of them; I guess about the most of them.

Q. Been intimate with them for years? A. More or less; yes, sir.

Q. Did you have any conversation with any of the members of that club? A. Yes, sir; occasionally.

Q. When? A. Most every day.

Q. With reference to their manner of voting after or before election? A. After and before both.

Q. Will you name one particular member with whom you had conversation? A. Charles Frederick Simonds.

Q. Was he a member of the Sherman Club? A. Yes, sir.

Q. What, if anything, did he say to you on the subject?

Mr. HIRSCHBERG.—That is the same objection as before; I don't suppose it is worth while multiplying objections.

The WITNESS.—He was talking, and he asked me to have a drink, and we went to have a drink and he told me; said what the boys had got.

Q. What did he say? A. He said they got five dollars and forty-five cents.

Q. Did he say he got that? A. That he got that, and I told him I didn't believe him, and he bet me a drink that he could produce another man that got the same, and we was to leave it to the two of them, and finally he brought Theodore Bodine up and said he got the same.

Q. Anybody else? A. Charlie Watkins said he got it; I guess that is all.

Q. He was a member of the Sherman Club? A. Yes, sir.

Q. Did they tell you who they got it from? A. Yes, they did; Simonds says he got his from Dalson, and Bodine says he got his from Alsdorf.

By Mr. HIRSCHBERG:

Q. You didn't see anybody paid any money? A. No, sir; I wasn't looking for it.

Q. You don't know anything of your own knowledge except what they told you? A. Just what they showed me and told me; that is all; that is all he asked me and what I answered.

By Mr. GARDNER:

Q. Did the members of the Flower Club decrease just before election? A. They did, the night before election.

Q. How many? A. We had forty-seven and they left us with twenty-five.

Q. Left you with twenty-five on election day? A. Yes, sir.

JOHN RAISER, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live in Newburgh? A. I do.

Q. Were you a worker at the Democratic polls, in the second district of the third ward, last fall? A. First district of the third ward.

Q. Who did the Republicans have there working? A. McBirnie and Rydel.

Q. Did you have a conversation with Rydel that day? A. I did.

Q. What was Rydel's politics, what did he pretend to be? A. Mugwump, I guess.

Q. What was he formerly, a Democrat? A. Yes.

Q. Pretended to be one always, didn't he? A. Voted for Cleveland once, he said.

Q. On that day who was he working for? A. He was working for —

Q. (Interrupting.) For senator? A. I suppose he was what you call anti-Brown; he was against Lamont; he was a candidate for delegate to the county convention.

Q. I am not talking about that—on the election day who was he working for? A. Against Lamont and for Richardson.

Q. Did he have conversation with you that day on this subject? A. He did.

Q. What did he say?

[Same objection.]

A. Said he had enough money to defeat my God damned man, Lamont.

Q. Where was he when he said that? A. He was in my carriage when he said that, in front of the Lawson hose-house.

Q. Was this man, McBirnie, soliciting votes that day within 150 feet of the polls? A. He was.

Q. Describe where he stood with reference to the polls, and what he did? A. The Columbia House and the Lawson hose adjoin each other on Montgomery street; the two buildings, I think, are about twenty-five feet front; Lawson hose is on the corner and the Columbia the next house to it; the dead line, as we may have called it, extended up the street, Montgomery, past First or Second street; McBirnie would work around the corner of the Lawson hose on Second street there.

Q. Were there voters that day who went in this Lawson hose with him? A. There was.

Q. During all times of the day? A. Yes, sir.

Q. Didn't they come out? A. They did.

Q. And go and vote at the polls? A. They did.

Q. Which was twenty-five feet from that place? A. Yes; next door.

Q. Did you protest against it? A. I did.

Q. As being against the law? A. I did.

Q. What did he say? A. The reply he made to me was he knew his own business and I might attend to mine.

Q. He still continued to do so? A. He did.

Q. Did you know any of the voters he took in that small room? A. There was no small room there it was a general room.

Q. Large room then? A. I know them by sight but I can't name them.

Q. Did you know anything about a Ryan club in Newburgh last fall? A. I did.

Q. Of how many members did that Club consist? A. On the night I was there, on the twenty-seventh of October, there was eighteen of them.

Q. Where did they meet on that evening? A. They met at Thomas F. Ryans or what we call Bob Ryans, corner of V—— and Carpenter avenue.

Q. Were you present at the meeting? A. I was.

Q. Who acted as chairman at that meeting? A. He keeps a saloon there in Washington street.

Q. One Maher? A. Billy Maher.

Q. Did you hear any remarks made that night by Maher as chairman of the meeting? A. I did.

Q. What did he state?

Mr. HIRSCHBERG.—Same objection.

Chairman ROESCH.—Note the objection.

The WITNESS.—He said the meeting was called for the purpose of organizing an independent club; the object of the club was that they had been voting for some time and never received any pay and now they desired to vote for the party that paid the most money.

Q. Was there a committee appointed? Q. There was.

Q. A committee of three? A. Yes.

Q. To wait upon whom? A. To wait upon both parties, to wait on Foley and to wait on Doyle or Tygert.

Q. Were you there at a subsequent meeting? A. I was.

Q. When the committee made a report? A. They did.

Q. What was the report? A. The report was kind of uniform.

Q. State just as it was? A. I don't know whether I can state that or not, but it was very uniform.

Q. Was the report in writing? A. I am unable to say.

Q. Give us what the report was? A. The report was that the Democrats were no good and the Republicans fairly good.

Q. Did they support the Republican ticket? A. So far as I am able to judge or know, they did; I talked with the president of the club, and he told me they got ten dollars from the Republicans, that is all I know; Foley and Maher told me they got ten dollars, and that was all they did get; neither one was any good.

By Mr. HIRSCHBERG:

Q. Did you belong to the club? A. I did not.

Q. You went there to belong to it? A. No, sir; I went there for another purpose.

Q. What was your purpose in going? A. Tom Ryan that drives for Howard & Child invited me up there to make a speech and organize the meeting; said the people they had there didn't know enough to organize the meeting; I went up there, and before I was willing to

organize, I wanted to see what they were going to do, and I got up there and found it was a boodle club; I declined to have anything to do with it.

Q. On that account? A. Yes.

Q. That is so? A. That is so.

Q. You surprise me? A. It doesn't surprise me.

Q. You went there afterward to attend the meeting? A. Yes; to hear the report.

Q. When you knew it was a boodle club? A. Certainly.

Q. Did they have any meeting you didn't attend? A. I don't know.

Q. You don't know of any they had that you didn't attend? A. I don't know anything about that; they may have had a dozen for all I know.

Q. You don't know of any meeting they had except when you were present? A. Of course, I couldn't know.

Q. How many times did you go? A. Twice.

Q. That is all the meetings you know of? A. That is all the meetings I attended to; yes.

Q. Who were you working for on election day? A. Democrats.

Q. Under whose employment? A. No one.

Q. Under whose pay? A. No one.

Q. Where were you working? A. Down where I live; first district of the third ward.

Q. Whereabouts with reference to the polling place? A. On Montgomery street.

Q. Where is that? A. Between Third — I had charge of the carriage in the first district of the third ward.

Q. Your carriage was up within 150 of the polls? A. It was.

Q. A good part of the time? A. All day.

Q. And you worked there? A. I did not.

Q. Where did you work? A. I stood at my limit; I stood part of the time on the north side of Third street; I walked from the north side of Third street to the south side of Second street and up to the limit.

Q. You walked from the north side of Third street to the corner of Second? A. South side of Second street beyond the corner.

Q. You walked right by the polling place? A. Yes.

Q. All during the whole day? A. I did.

Q. Then you were a good deal closer than 150 feet? A. I did; I had a right to; I didn't talk to anybody.

Q. Kept your mouth shut while you were there; weren't you talking to this man near the polls? A. No, sir; not about politics.

Q. About where they were working? A. I spoke to McBirnie about running people into that house.

Q. You talked to him about working within 150 feet of the polls?

A. Yes; I was standing right in front of him.

Q. Some distance from the polls he was? A. Yes.

Q. This place he ran people into was a public engine-house?
A. Yes.

Q. One of the public buildings of the city? A. Certainly.

Q. It was next door to the other engine-house where the polls were held? A. It was.

Q. How far was it from the door of the engine-house where the polls were maintained that day to the corner of the street? A. I never have measured; Lawson hose is on the corner, Columbia House is next door.

Q. How far from the door entering the polling place to the corner of the street? A. I should think thirty or thirty-five feet.

Q. Do you know anything about it or are you guessing? A. From what I observed.

Q. May be seventy-five feet for all you know? A. No; it isn't seventy-five feet.

Q. How far is it down the street where they went to when they were down Second street? A. That I couldn't tell you.

Q. How far down the street did they go? A. I don't know.

Q. You saw them? A. I saw McBirnie on the corner.

Q. You saw him down below the corner? A. I did.

Q. How far below the corner? A. I can't tell you exactly; I suppose fifty or seventy-five feet; they might have went down 100 feet for all I know; I saw him at the corner.

Q. You were at the corner too? A. Yes.

Q. Weren't you trying to get all the votes you could? A. Not at that time.

Q. Didn't speak to anybody? A. Not within 150 feet.

Q. You were a regular worker there that day? A. I had the carriage.

Q. You were a regular worker for the Democratic party? A. Yes; I was a regular worker in that district.

Q. You have spoken to this man, who was a Democratic worker, against Lamont; don't you know a good many of the leading Democrats of Newburgh were opposed to Mr. ————? A. I know I was; I don't know what the balance of them was.

Q. You were opposed to Lamont? A. Yes, sir; I was.

Q. I didn't know you included yourself among the leading Democrats? A. I don't include myself.

Q. I mean men of character and respectability and everything of that kind; don't you know a good many of them were opposed to Mr. Lamont? A. It is pretty hard to get a character for respectability in that city of Newburgh.

Mr. GARDNER.— This is certainly incompetent.

Q. Don't you know there was a very large and respectable element of the Democrat party that was opposed to Mr. Lamont's candidacy? A. No, sir; I do not.

Q. Weren't there two factions there of the Democrats? A. I don't know whether there was or not; I know where I belong, and where I don't belong.

Q. You belong to the Brown party? A. I do.

Q. There was another party in opposition to them? A. I didn't see anything of them that day.

Mr. GARDNER.— This has nothing to do with the case.

Q. You knew of the fact and heard of it? A. I can't say that I really knew of it; no.

Chairman ROESCH.— What is the object of that?

Mr. HIRSCHBERG.— There was an insinuation that there must have been some corrupt motives that induced a man that was a Democrat to stay there that day and work for Richardson instead of Lamont; I want to show there was some friction in the Democratic party and some were opposed to his candidacy, and without any corrupt motives they did conscientiously work for the other candidate.

Mr. GARDNER.— That we deny; that is a statement without any basis for it.

Q. You say that isn't so? A. I had heard of such things.

Q. And that it split many other things upon this question of Mr. Lamont's candidacy? A. I have got to answer it from what you heard; I found Mr. McLane on Water street asking men to vote for Lamont prior to the convention.

Q. Was he a leading Democrat? A. He is

Q. Chairman of the Democrat club? A. I presume he is president of it; I don't know.

Q. He is now? A. Heard he is; I don't know.

Q. There were others that you knew of besides Mr. McLane? A. Yes; there were some Democrats opposed to him.

Q. Mr. McCrosky? A. I am unable to say about that; I had no conversation with him.

Q. You had heard it? A. I can't say whether I did or not.

By Mr. DIMMICK:

Q. Mr. McLane was in favor of Judge Green's nomination for Senator? A. Yes.

Q. When he was opposing Mr. Lamont's nomination he was advocating Judge Green? A. Yes; and so was I.

Q. What you meant opposing Mr. Lamont was in the nomination before the election? A. Yes; not in the election.

JOHN WARWICK, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Where do you reside? A. Newburgh.

Q. Resided there some years? A. Born there and brought up.

Q. Are you familiar with the seventh district of the first ward of the city of Newburgh? A. Yes, sir.

Q. And with the politics of that section of the city generally? A. Yes, sir.

Q. Have been for years? A. Have been for years.

Q. A worker in the Democratic party? A. Sometimes, and sometimes in the other.

Q. At the last election were you present at the polls in the seventh district of the first ward? A. Yes, sir.

Q. Did you see there one Fred Herman? A. Yes, sir.

Q. Fred Herman, was he a Republican worker at the polls? A. Yes, sir.

Q. Been acquainted with him for some years? A. Been intimate with him for the last twenty years.

Q. Are you acquainted with the character of all voters in that district? A. I am, most of them.

Q. At that time, did any of the voters come to you on election day, asking you whether you had anything for them to vote? A. I wasn't interested last election; I went up in the morning about 9 o'clock.

Q. State what you saw there that day? A. I looked down, a little building, down about 150 or 175 feet from the polls; Mr. Herman was there and I counted thirty-seven or thirty-nine, and it was always this crowd we had always had to pay, and I looked them over and finally went down, walked down to a wagon that stood a little this side of the building, and Mr. Herman came up to me and says, "Jack, what a picnic I would have if it was only the way we used to vote, I could take them right up to the boxes;" I says, "I don't doubt it, Fred, there is nobody here against you;" I says, "How is it, have you got them all?" He says, "Yes, I have got them all except four or five; you know who they are, Williams.

you know what they want;" I knew they always wanted a little extra price; we talked a little while and I finally walked up the road, and somebody came up and says, "Jack, ain't you going to give anything?" I says, "You know the law, I ain't giving anything;" he says, "I will have to go over and see Fred;" he went over and saw Fred and went up in the office and came back with his hands in his pocket.

Q. In this little shanty? A. Yes.

Q. How many did you count? A. Thirty-seven or thirty-nine, either one or the other.

Q. Was there more than that that went there with Herman? A. That was all that was there at the time I was there.

Q. Many of those that you have described as having gone to Herman and then down to the building were ones that had this conversation with you? A. People that always had to be paid to vote.

Q. Did some of them have this conversation with you that day? A. Yes, asked me; I said no; they knew the law; I wasn't in it.

Q. What kind of a building was this? A. Little bit of a building they had at a scales.

Q. How far from the polling place? A. I don't think it was 150 feet from the polls; I don't think it can be 150 feet.

Q. Do you know when that Sherman Club was organized in Newburgh? A. I think it was last summer some time.

Q. Was it organized in the spring of 1891? A. I think it was about that time.

Q. But not earlier? A. Not earlier; I know it wasn't organized a year ago this November.

By. Mr. HIRSCHBERG:

Q. How do you know it? A. Because I was interested; you know it.

Q. How do you know it wasn't organized? A. Because I know it wasn't; Mr. Odell and I went up the night before, a year ago, and it wasn't organized then.

Q. How do you know it wasn't organized? A. Because there was no organization and we had to get them in a room and get them together.

Q. You and Odell? A. Yes.

Q. Were you engaged in buying votes then? A. No, sir; I never bought any votes.

Q. You have paid money for votes? A. No, sir.

Q. Never did pay any money for votes? A. No, sir.

Q. Never paid anybody any money for voting a ticket? A. No, sir.

Q. Did you see any money paid that day? A. No, sir.

Q. To anybody? A. No, sir.

Q. Not a dollar? A. Not a dollar.

Q. When you said to Mr. Herman you wasn't in it then, you didn't mean to say you had quit buying votes? A. I never bought any.

Q. Or giving money for that purpose? A. Mr. O'Dell always furnished the money.

Q. To you? A. No, sir; you know he had the handling of the money.

Q. I only know what you say about it? A. You know more than I do about it.

Q. I never saw anybody put out a dollar in my life; do you say I did; that you ever heard of it? A. I never said you got any.

Q. Ever hear of my having anything to do with it anyway? A. All I know, you were interested in organizing this.

Q. Who told you? A. What I have seen you do myself, going around.

Q. Where? A. Out through the county with him.

Q. When? A. When you ran for district attorney.

Q. Where did you see me go with him? A. I saw you come back; Ben told me you and him was out; I saw you two coming in.

Q. I want you to confine yourself to the truth? A. This is the truth.

Q. No; it isn't; you never saw anything of the kind because nothing of the kind ever occurred? A. I have seen Ben and you getting out of the wagon.

Q. If you have heard of me giving a dollar to him or any other man, I want you to mention it? A. Ben ain't one who tells who gives him money.

Q. What did you mean by saying you had worked for both sides? A. When I first entered politics the first seven years, I voted the straight Democratic ticket.

Q. Did you work for that party? A. Yes.

Q. Handle the money? A. Only my own money.

Q. When you worked for the Republican party did you handle money? A. Only my own.

Q. What did you mean by saying you wasn't in it then, because you knew the law? A. I wasn't going to get myself into trouble.

Q. Have you told him all you know about what took place that day in the way of money? A. I guess all of it.

Q. What did you mean by saying there were thirty-seven or thirty-nine; where did you count them? A. They were standing right at that little office where Fred was, all around in a row.

Q. You saw so many persons standing there in a row? A. Yes, sir.

Q. Out on the sidewalk? A. No; down on private property.

Q. Openly? A. Yes.

Q. In the sight of the community? A. Yes.

Q. You simply saw them standing there? A. They would first go in and Fred would give them the nod and they would finally go in and see him and they would come up and vote and go back again.

Q. That is all you know about that? A. Yes, sir.

ABRAM GUCHESS, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live in Newburgh? A. Yes, sir.

Q. You have heard the witness describe what is known as the Ryan Club? A. Yes.

Q. Were you a member of that club? A. I was supposed to be.

Q. Were you present at its first meeting? A. Present at its first meeting.

Q. What was the object of that club? A. It was to be an independent Democratic club.

Q. At one of the meetings of the club was a committee appointed to wait upon Mr. O'Dell? A. There was.

Q. To see what support the club would get? A. Yes, sir.

Q. Mr. O'Dell is the Republican State committeeman in that district? A. Yes, sir.

Q. Was there a committee of three appointed? A. I don't know how many there was in the committee.

Q. The meeting adjourned that night? A. It did.

Q. And met to hear the report of the committee a subsequent evening? A. Yes.

Q. Were you present at that meeting? A. I was not.

Q. Were you at any subsequent meeting of the club present? A. I was not after the first one.

Q. Do you know what, if anything, what the report of the committee was? A. Only what I heard.

Q. Who did you hear it from? A. I heard it from the different members.

Q. Mention the members? A. It was several.

Q. Who were they? A. McCloy; he was supposed to be the secretary and Billy Maher, the president, two or three McCloy boys.

Q. What did they say to you? A. They couldn't get any answer from none of them; they voted as they were a mind to afterwards.

Q. What ticket did that club support? A. I think the majority of them voted the Republican ticket; they disbanded.

By Mr. HIRSCHBERG:

Q. It was an independent Democratic club? A. Considered they was.

Q. What do you mean by that — “organized to strike?” A. Organized to get wealth.

Q. They didn't succeed in getting wealth and disbanded? A. Yes.

Q. And then voted from principle? A. Voted the Republican ticket; there isn't much principle in that.

Q. How do you know they voted the Republican ticket? A. I know pretty near.

Q. How do you know? A. I know the man that was peddling the boodle around.

Q. Did you vote? A. No, sir; not the Republican ticket.

Q. Did you vote at all? A. I did.

Q. Did you vote without pay? A. I did, sure.

Q. How did that happen? A. Because I wasn't looking for anything.

Q. You were when you joined that club? A. No, sir.

Q. Wasn't that your object? A. No, sir.

Q. Did you leave the club because you saw that was the reason? A. No, sir.

Q. Wasn't on account of their looking for wealth? A. It wasn't my leaving for that.

Q. What did you leave for? A. I didn't join it for that.

Q. Did you join it at all? A. I don't know as I did; I went up to see the meeting.

Q. What induced you to do that? A. Make a little business for me.

Q. Did you see any of the members vote? A. I did.

Q. Did you see any of them paid anything? A. I did not.

Q. See anybody pay them a cent? A. No, sir.

Q. What is your business? A. I keep a place for a widow woman.

Q. How long have you been doing that? A. Three or four years.

Q. Ever been in jail? A. Certainly.

Q. Good many times? A. Other good men have been in jail.

Q. Been in the penitentiary? A. Yes; been here in Albany.

Q. Been in state prison? A. No, sir.

Q. Been in the county jail? A. Several times.

Q. How many times in the penitentiary? A. Only once.

Q. How many times in the county jail? A. About thirty-six.

By Chairman ROESCH:

Q. What were you in the penitentiary for? A. For grand larceny.

By Mr. HIRSCHBERG:

Q. You were in the county jail for grand larceny? A. No.

Q. Receiving stolen goods? A. No.

Q. What were you in jail for? A. For taking people's like you, part.

By Mr. GARDNER:

Q. Who passed the boodle around?

Chairman ROESCH.—Did you see anybody use money around? A. I did.

Q. To the club? A. Yes, sir.

Q. Who was it? A. George Tygert.

Q. Who did you see him hand the money to? A. I saw him hand it—I have different names here in my pocket; Will Wiley.

By Chairman ROESCH:

Q. How much did he give him? A. He gave him enough to pay him for his vote.

Q. How much? A. Twenty shillings.

Q. Did you see it yourself? A. I saw it paid to him.

Q. Did you see the money? A. No; I didn't see the money.

Q. How do you know it was paid to him? A. I know it from the man himself.

Q. All you know is what he told you? A. Yes.

Q. Are you telling us the truth now, what he told you? A. Yes, sir.

Q. Did you see Tygert handle any money? A. No, sir.

Mr. HIRSCHBERG.—I will present him for indictment to the district attorney of this county if he undertakes to swear to any such lie as that, that he saw Mr. Tygert pay any money. Mr. Tygert is our county clerk.

The WITNESS.—This man Wiley received money to get this man to vote.

Q. You know that only because Wiley told you that? A. Wiley is a particular friend of mine and he wouldn't tell a lie not in regard to that.

Q. You have no other reason for saying that you saw any money used, or that there was any used, except as you were told by Wiley or others? A. That is all I have said.

By Mr. GARDNER:

Q. What did Wiley tell you?

Chairman ROESCH.—He says Wiley told him he got twenty shillings.

Mr. COUNTRYMAN.—I understand the committee has stated they don't want to have any hearsay from this witness.

Q. Did he say anybody had given him any money to hand to any of the members of this club? A. I don't say that; only from words from Wiley; he said he received money to pay these votes.

Q. Received how much, did he say? A. He didn't say what the amount was he got himself; it was two dollars and fifty cents he paid for a vote.

Q. Did he say who he got it from? A. Did not.

By Chairman ROESCH:

Q. Did you get any money for your vote? A. No, sir.

Q. You were looking for it? A. No, sir.

Q. You joined this club to increase your wealth, didn't you? A. I joined this club to make a little business over the bar that I tended.

Q. Where did you tend bar? A. Two hundred and forty-two Broadway.

Q. In what way were you doing business over your bar by joining this club? A. Through the politicians coming around and buying a drink.

By Mr. GARDNER:

Q. Is it right opposite this place? A. The corner below; 200 feet or 300 feet.

By Mr. HIRSCHBERG:

Q. Wiley didn't even tell you who gave him the money? A. He didn't that day.

Q. Who is Wiley? A. He didn't do anything at that time.

Q. He is a particular friend of yours? A. Yes; he is a boiler-maker when he does work.

Q. How long since is it since he worked? A. He has not worked in two or three weeks.

Q. Has he ever been in jail? A. Not that I know of.

Chairman ROESCH.—Is that all for to-night?

Mr. GARDNER.—We have several witnesses here; we don't want to press the committee. There is a superintendent of the poor-house there; he says he must get home in the morning, and it won't take long with him.

Chairman ROESCH.—We are situated in this way for all of next week; and by that we mean Tuesday, Wednesday and Thursday evenings our time will be taken up by the Troy case, and possibly a little of the Donaldson case by way of submission. If we have a session

to-morrow night we would have to adjourn then for the following week all the entire week. It has been suggested to me by some gentleman, I can't recollect by whom just now, it might perhaps facilitate the taking of testimony in this case if we were to hold an extended session in or somewhere around Newburgh, I don't know where. If we did that, I would be in favor of going there and sitting, if you please, Friday afternoon or evening and all of Saturday and again Monday morning, because the work of the session, the further we get advanced the more it will take up our time, and I am anxious to do all I can to at least take the testimony in all these cases, so that we may have a session to-morrow evening if you choose.

Mr. HIRSCHBERG.—It would be very inconvenient for me.

Chairman ROESCH.—If not, it would be better to adjourn to-night. Go on with this witness first.

WILLIAM A. PRESLER, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You are the superintendent of the alms-house in the city of Newburgh, situated in the seventh district of the first ward? A. Yes, sir.

Q. The ward which has been described by Mr. Warwick? A. Yes, sir.

Q. There are a considerable number of inmates in your house, and were on election day last? A. Yes, sir.

Q. During the registration days did you go down and have a talk or conference with the board of inspectors? A. I asked them if they intended to let the men vote there that were going there to register, and they said they would; their home was there; I told them I didn't think anyone could either gain or lose a residence by being an inmate of the alms-house; they said they didn't think it made any difference; they might as well vote there as anywhere else.

Q. You brought their attention to that fact and they expressed an opinion they could vote and register? A. Yes.

Q. About how many in the alms-house registered and voted there? A. That I could not say.

Q. About how many?

Chairman ROESCH.—When you come down now to throw out just so many votes it is pretty hard to guess, because you might guess just enough to reverse the majority.

Mr. GARDNER.—If he has not an opinion I will not press it.

Chairman ROESCH.—Can not you prove it by the poll-list?

Mr. GARDNER.—Certainly. We waive the question if he doesn't know.

By Mr. HIRSCHBERG:

Q. You didn't see a man vote from there? A. No, sir.

Q. Who did you talk to at the polling place? A. To the inspectors.

Q. Do you know the names? A. I do not; Dixon, I know him.

Q. Frank Dixon? A. Yes, sir.

Q. You are a Democrat? A. Yes, sir.

Q. And been an office-holder in the county for a number of years?

A. Yes.

Q. Under sheriff at one time? A. Yes, sir.

Q. Supervisor? A. Yes, sir.

Q. What were the politics of those inspectors you talked to?

A. That is something I can't tell you.

Chairman ROESCH.—Any more witnesses to-night, if you have any for to-night?

Mr. DIMMICK.—We have enough to take two or three hours yet.

Chairman ROESCH.—I don't want to make another pleasure trip to Newburgh. I don't want to go there for any jaunt or sight-seeing; if we go there we want to do business, and we want to have counsel on both sides to do us the favor to get their cases on their respective sides in such shape that they will go right on with work all day and all night if necessary, and end up the cases.

Mr. HIRSCHBERG.—We will be prepared so far as we can. They ought to be prepared to go through with their case.

Mr. DIMMICK.—If you could give us a couple of hours to-morrow night we could complete these witnesses.

Mr. HIRSCHBERG.—We could examine these witnesses down there.

Chairman ROESCH.—The members of the committee think I have been running this with pretty good speed. We usually adjourn on Friday at about noon.

Mr. GARDNER.—I have a matter to bring up before you. We subpoenaed the telegraph operator at Middletown, to produce an original telegraph, and important document in this case and he is here without the telegram under instructions from the superintendent not to produce the same, and we want the committee to give some instructions in regard to that without going to the trouble of applying. This is a question that come up, a very important one.

Mr. HIRSCHBERG.—You don't expect us to help you in that?

Mr. GARDNER.—We expect the committee can.

Chairman ROESCH.—The whole question was gone into when I was

in the house, and it was held unanimously by the house, the committee had no power.

Mr. COUNTRYMEN.—The committee held that they had power and Liebolt was brought up by habeas corpus.

Mr. GARDNER.—We might make formal application.

Chairman ROESCH.—You might put the man on the stand and bring it up formally and have it in shape to report to the senate if necessary. The committee as at present minded, evidently thinks we have no power in the premises, and the senate wouldn't have the power if we reported that condition of affairs. This committee then stands adjourned to meet in the city of Newburgh, on the fifth of February, at 7 o'clock in the evening, the place of meeting to be arranged later.

NEWBURGH, *Friday, February 5, 1892*—7 P. M.

The committee met pursuant to adjournment.

Present.—Chairman Roesch and Senator Endres.

Chairman ROESCH.—The committee is ready to proceed in the contested election case of Lamont against Richardson.

Mr. HIRSCHBERG.—Will Mr. Raiser be here this evening?

Mr. GARDNER.—I couldn't say.

Mr. HIRSCHBERG.—I would like to recall him for further cross-examination if he is.

Mr. GARDNER.—If he comes here you can recall him before we close our case anyway.

FRANK B. DICKSON, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Were you an inspector in the seventh district of the first ward at the last fall election? A. Yes, sir.

Q. Did you know whether one Bastian acted as an inspector on registration day? A. Yes, sir.

Q. Was Bastian an inspector? A. He was sworn in as an inspector.

Q. At what time? A. I think the evening before.

Q. Was he elected an inspector? A. No, sir; he was appointed in the absence of one.

Q. You were an inspector? A. I was; yes, sir.

Q. Did you help count the votes that night? A. I did.

Q. Will you describe the system or method which was adopted by the board of inspectors in counting the ballots in that district? A. Well, they first took them out of the box and counted them without

opening them to tally with the poll-list, see if they did, then each one opened what he could, and each handled their own ballots.

Q. Put the splits by themselves and the straights by themselves?

A. Yes, sir.

Q. And divided them into three piles? A. Each inspector had a pile.

Q. You counted your pile? A. Yes, sir.

Q. Each inspector you presume counted theirs? A. I suppose so.

Q. After you counted your pile did you announce the result to the board? A. Yes, sir.

Q. Did the others do likewise? A. Yes, sir.

Q. Did you count over the piles that the others had counted? A. I did not.

Q. Did the others count your piles? A. No, sir.

Q. Are you able to state whether they counted their piles correctly or not? A. I couldn't say.

Q. Did you observe in that district at the polls that day one James Scott? A. Yes, sir.

Q. Did he pretend to be blind? A. Yes, sir; not blind but unable to see.

Q. Did he want anybody to go in with him? A. Yes, sir.

Q. Who? A. I think it was Fred Herman.

Q. Wanted him to go in the booth with him, did he? A. Yes, sir.

Q. Did Herman go in with him? A. I think he did if he was the man, and I think he was.

Q. Was Fred Herman a Republican worker at the polls? A. I presume so.

Q. Is he the one to whom the witness Warwick referred in his testimony at Albany? A. I presume the same one.

Q. He is the only Fred Herman you knew of? A. The only Fred Herman that lives in the district that I know of.

Q. What was the reported majority of Richardson in that district? A. I think one hundred and twenty-three or four; I won't be positive about that; I don't know; might have been 122.

Q. During the day would voters go into the booth and any of the Republican inspectors pretend that their ballots were not properly folded when they came out and advised them to go out and get pasters from Herman; did you see any transaction there of that kind that day? A. No; they did not tell them they were not properly folded.

Q. What did they do in that regard? A. If the tickets were not properly folded either one of us would tell them to go back and fold them right.

Q. Did any of the inspectors advise them to see Fred Herman and get pasters? A. I don't think they did, except when they came out and said they spoiled their ticket; I think once someone, I have forgotten who, came out and said he had spoiled his tickets and returned them and said he would have to have another set of pasters, and they told him to go to Fred Herman and get them.

Q. You are acquainted with that district pretty well? A. Yes.

Q. You know of the inmates of the alms-house in that district? A. Yes.

Q. Did any of the men vote there that day? A. Yes, sir.

Q. About how many?

Mr. HIRSCHBERG.—That is objected to. The committee ruled at Albany when it came to a question of a specific number of votes they must have something better than the recollection of the witness. The poll-list show the names.

Mr. GARDNER.—At Albany we had a man who wasn't an inspector.

Mr. HIRSCHBERG.—The poll-list is on file.

Chairman ROESCH.—It does not seem to the chair to alter the case; the fact is, that there is evidence on file to which we all have access which will disclose the exact number of voters who were inmates of the alms-house.

Mr. GARDNER.—We can prove it in another way; this was the most direct way to save time.

Q. Did the Republican watchers at the poll that day to your knowledge, handle any votes when they were being counted? A. Yes, sir.

Q. Who? A. Jacob Hermon.

Q. Is that a brother of Fred Hermon? A. I think so.

Mr. GARDNER.—That is all at present.

By Mr. HIRSCHBERG:

Q. You didn't verify the counting of the other tickets by the other inspectors yourself? A. Count them after them?

Q. Yes? A. No, sir; I did not.

Q. You certified the result, did you not? A. Yes, sir.

Q. And certified it to be correct? A. Yes, sir.

Q. Had you any doubt at the time that it was correct? A. No, sir.

Q. Have you any doubt now? A. No, sir.

By Mr. GARDNER:

Q. You assumed their count was correct? A. Yes, sir.

Q. That is all the knowledge you have of it? A. I didn't count the tickets.

Q. You are not able to swear whether that certificate was correct or not, are you? A. In one way, yes, and in another way, not.

Chairman ROESCH.—He swears as far as he was concerned it was correct; as far as the others are concerned, he didn't verify their count, but he has no reason now to doubt the correctness of it, nor did he then doubt it.

Q. They may not have counted them rightfully and you not know it? A. I don't think they could; each one separate could; I couldn't tell how many Mr. Hallan had or how many Tygert had.

Q. You are not able to swear whether the count was correct or not? A. I could swear I thought it was.

Q. When you certified that Richardson's majority was 124 in that district, your certificate was based upon the assumption that the other inspectors did their duty only, isn't it? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. Were you a Democratic inspector? A. I was.

Q. You are familiar with the district? A. Yes, sir.

Q. Have been for a great many years? A. Since 1850, I think.

Q. Did the results differ materially from the usual results in that district? A. It was larger this time.

Q. The general majority? A. Yes, sir.

Q. How much larger? A. I couldn't say for that; it has increased every election since it was made a district.

Q. Was the increase more than the normal increase? A. I couldn't tell you; I haven't looked to see.

Q. You can't say to the contrary? A. No.

Mr. GARDNER.—The district attorney's own objection would hold in this case.

Mr. HIRSCHBERG.—I am asking simply to show there was not such an abnormal change in the result that would indicate there had been a false counting. We claim it was no more than the regular natural majority.

By Chairman ROESCH:

Q. Who carried the district? A. Richardson.

By Mr. HIRSCHBERG:

Q. A strong Republican district? A. Yes, sir.

Q. How much was the majority for Fassett in the district? A. One hundred and twenty-five, I think.

Q. Mr. Richardson about the same? A. One or two less, very little difference; Fassett had the largest of any.

By Mr. GARDNER:

Q. Isn't it a fact there is a large class of voters in that district that are purchasable and always have been?

Mr. HIRSCHBERG.—That I object to.

Chairman ROESCH.—I don't think that kind of testimony would be admissible or competent at all to effect any one or more than one voter particularly; he might testify there had been at each election a large purchasable vote.

Mr. GARDNER.—It was only with reference to the fact that he wished to draw it out from the witness it had always been a Republican majority to that extent, that it does not add to that case if we show the Republican majorities in the past had been secured by the same system of corruption that was practiced at this election.

Chairman ROESCH.—The committee couldn't go into that; this investigation might never end.

Mr. GARDNER.—We wish simply to get before this committee what the true state of facts are in the district at this last election.

Chairman ROESCH.—Go on.

By Mr. GARDNER:

Q. When you put in the pile these straight tickets, did you look for pasters or names that were scratched? A. On the ones that I had; yes.

Q. In the split ticket pile rather; when you found no splits or pasters you assumed that that was a straight ticket, didn't you? A. The ones that I had I knew were.

Q. Did you look at every name? A. Every name on the ticket; I had very few tickets anyway.

By Mr. TAYLOR:

Q. You have said in answer to a question by Judge Hirschberg that this district has always given a large Republican majority; how long has the district existed in its present shape? A. Three elections, I think.

By Mr. HIRSCHBERG:

Q. There were new districts formed under the reform ballot act? A. I only meant this district.

Q. You knew the old districts as well as you did the new ones? A. Yes, sir.

By Mr. TAYLOR:

Q. This seventh district has only existed for three elections? A. Since the new ballot law came out; it was formed then.

By Chairman ROESCH:

Q. Do I understand you to mean the territory was the same but the district changed numerically? A. No; this was a portion of the old second district, they made seven districts in place of two.

By Mr. TAYLOR:

Q. It is about one-third of the old second district? A. Not over, that may be in territory but the population is about one-third.

MICHAEL DOYLE, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Are you the mayor of this city? A. Yes, sir.

Q. In what election district do you vote? A. Fourth ward, in the first district.

Q. You were called by somebody to go up to the second ward at the last election, were you not, at election district No. 2, the election district where John Williams votes? A. Do you mean the Tuttle district?

Q. Yes, sir. A. I was asked to send an officer up there.

Q. Who asked you to send an officer up there? A. I forget.

Q. What district is that? A. That is the fifth district of the first ward.

Q. Did you go up there yourself? A. No, sir.

Q. Did you send an officer there? A. I think I sent the marshal there.

Q. For what purpose? A. There were reports flying around that there was illegal voting going on there.

Q. Electioneering within the poll limits? A. I can't say as to that.

Q. You sent him there? A. I instructed him to go there, to send an officer.

Q. You were not there yourself? A. No, sir.

By Mr. HIRSCHBERG:

Q. You don't know anything about what happened up there? A. No, sir.

By Mr. GARDNER:

Q. You were not there yourself that day at all? A. No, sir.

HENRY QUINN, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Are you a resident of this city? A. Yes, sir.

Q. In what ward do you vote? A. First ward.

Q. Fifth district? A. Yes, sir.

Q. Did you observe the counting of ballots in that district on election last fall? A. Yes, sir.

Q. Did you see one Taylor help count the ballots for the inspector McChristen? A. No, sir.

Q. Did you observe the condition of McChristen that day whether he was drunk or sober? A. I couldn't tell whether he was drunk or sober or not.

Q. How long were you around the polls that day? A. I was around about twenty minutes.

Q. Did you ever have any conversation with anybody in relation to the way that election was conducted in that district last fall?

Mr. HIRSCHBERG.—I object to that.

A. Yes, I have heard people say.

Chairman ROESCH.—The committee has no desire to tie either side down in this investigation by the strict rules of evidence applicable in courts of justice, at the same time the committee does not wish to have every bit of gossip dragged into the case as testimony of evidence. If there was such a condition of affairs as counsel seeks to establish, according to the judgment of the chairman by the last question put it seems to the chair it would be possible to get witnesses to testify directly to the occurrences charged.

Mr. GARDNER.—This witness has already talked about the matter.

Q. Did you ever have any conversation with Mr. Dimmick on the subject of McChristen's condition that day? A. I have.

Q. What did you tell Mr. Dimmick?

Mr. HIRSCHBERG.—We object to that.

Chairman ROESCH.—Ask him what his condition was? A. It is nothing more or less I heard he had been drinking some.

By Chairman ROESCH:

Q. Did you see him on election day? A. I did.

Q. See him often? A. I only saw him once.

Q. In the morning or in the afternoon? A. In the afternoon, after 4 o'clock.

Q. After the close of the polls? A. No, sir; before.

Q. At what time do the polls close? A. Sunset.

Q. What time was that reckoned to be here on election day? A. I couldn't say.

Q. It was before the polls closed that you saw him? A. Yes, sir.

Q. Can you say whether he was sober or not when you saw him? A. I couldn't say, because I didn't see him long enough to say whether he was sober or not.

Q. Will you say that he was sober? A. No; I will not.

Q. Will you say that he wasn't sober? A. No; I couldn't say that either.

Q. Do you mean to tell me that you saw him and yet you can't testify as to whether he was drunk or sober? A. I saw him in the polls but didn't have no conversation with him at all, no more than I went in and he shook hands with me.

By Mr. GARDNER:

Q. Didn't you have a conversation with Mr. Dimmick, in which you told Mr. Dimmick that he was drunk?

Mr. HIRSCHBERG.—That I object to as entirely immaterial.

Mr. GARDNER.—It is entirely immaterial.

Mr. HIRSCHBERG.—What does it prove if he did say so?

Chairman ROESCH.—Suppose it be true that man was drunk on that occasion when the witness saw him, what do you want to prove by that?

Mr. GARDNER.—We want to follow it up by showing that he was so drunk that he was incapable of performing his duty properly, so that this committee can not properly give the credit to his official acts which the law would demand of you to give, that is, that his condition was such that it deprived him of the credit to which his official acts would otherwise be entitled, and, furthermore, that his condition was such that he was obliged to call in to his assistance an entire outsider to assist in the counting of the ballots.

Chairman ROESCH.—If that is the case you can produce the people who were called in to assist him. If his condition was such it was notorious and public to those around him, and others, then this witness must have seen and known of his condition. But you can't try to prove that this witness told counsel for the contestant one story one day which to-night he does not bear out, unless you could show he has been seen by others.

Mr. GARDNER.—I was going to suggest to the committee, in answer to the remarks of the counsel, that they are not responsible for our surprise, I will say we are not, provided the other side had left our witnesses alone, that I want to find out, not that counsel has had anything to do with it; I don't impute that.

Mr. HIRSCHBERG.—I think I can safely say to the other side, from what we have seen of his witnesses so far, we will be very glad to leave them alone.

Q. I would like to ask the witness the question whether he didn't tell Mr. Dimmick this man was in an intoxicated condition?

Chairman ROESCH.—The committee sustains the objection.

By Chairman ROESCH:

Q. Have you been spoken to by anybody in regard to the testimony that you would give here to-night? A. I have not.

Q. Have you been approached by any one? A. I have not.

Q. Have you been told or cautioned as to your testimony? A. No, sir.

Chairman ROESCH.—That is all.

By Mr. HIRSCHBERG:

Q. What is the name of the party of whom Mr. Gardner has inquired of you? A. McChristen.

Q. Who is he? A. He is an oilcloth printer.

Q. What was his business on election day? A. He was inspector in the fifth district of the first ward.

Q. Do you know whether he was a Democrat or Republican inspector? A. Yes, sir.

Q. Which? A. He was a Democrat.

CHARLES F. JUNE, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You reside and are a voter in this city? A. Yes, sir.

Q. Were you up at the fifth district of the first ward at the last election? A. I was.

Q. Did you see there the inspector, McChristen? A. Yes, sir.

Q. About what time of day was it you were there? A. Between 3 and 4 o'clock.

Q. How long were you there? A. From twenty to twenty-five minutes.

Q. You are a Democrat? A. Supposed to be.

Q. Father-in-law of Mr. Taylor? A. Yes, sir.

Q. State what was the condition of McChristen that day that you saw him; was he sober or drunk? A. I should consider him drunk; that is, too drunk to attend to business.

Q. Do you know anything about one Taylor assisted in the counting of ballots; weren't you there? A. I wasn't there.

By Mr. HIRSCHBERG:

Q. What was McChristen doing when you saw him? A. He came out from behind the ballot box to talk with me.

Q. What had he been doing before that. A. I don't know.

Q. How long was he there? A. Probably five or ten minutes.

Q. Talking to you? A. Not all the time.

Q. Where did he go then? A. He went back to his position, after I told him to; I told him I didn't want him to come out to see me; I wanted him to stay where he belonged, and I would talk to him and ask him what questions I wanted to.

Q. Did you go there to talk to him and ask him questions? A. I did.

Q. He came out in response to your invitation? A. I suppose he did.

Q. Then you told him to go on back and attend to his business? A. Yes.

Q. You think he was too drunk to do it? A. Yes.

Q. Did he go back? A. Yes.

Q. Do you know how he attended to it afterwards? A. No, sir.

Q. Or how he attended to it before? A. No, sir.

By Mr. GARDNER:

Q. Were you near the polls in the second ward, first district, that day where Mr. John Williams votes and works? A. In the hook and ladder house.

Q. Did you see any electioneering going on about the polls there that day? A. About the polls outside.

Q. How far from the polls? A. In front of the door.

Q. Who did you see there? A. I saw Mr. Withers, Mr. Hiram Odell, and two other gentlemen I didn't know by name.

Q. Those gentlemen you speak of Republican workers? A. I suppose so.

Q. Don't you know the fact that Odell and Withers were Republicans? A. Yes, sir.

Q. It is a well known fact, isn't it? A. It is supposed to be so.

Q. They pretend to be Republican, don't they? A. They profess to be Republicans, very active workers.

Q. Did you see them soliciting votes or talking with voters in or about the hose-house you mention? A. I saw them talking with people outside and in front of the hose-house; directly in front on the sidewalk.

Q. Did you see them after talking going in and vote and come out? A. I did not.

Q. Were you present when Mr. Odell was ordered to go away from there by Mr. Williams? A. I was on the opposite side of the street then.

Q. When he was ordered to leave the polls and to go somewhere else if he wanted to electioneer? A. I didn't hear that word used; I

heard the police officer say you must go away outside of the line; outside of the limits.

Q. You heard the police officer address his remarks to him?

A. To the whole party that stood there, some five or six together.

Q. Odell and Withers there among them? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. Williams there with them? A. Williams was between them and me standing with one foot in the gutter and the other on the sidewalk.

Q. How many feet was he from the polls? A. He was directly in front of the engine-house; I couldn't say he was electioneering.

Q. I didn't ask you that; was he twenty feet from the polls? A. No, sir.

Q. Wasn't that many; he was a Democratic worker there that day?

A. I don't know; I didn't see him do any working.

Q. You don't know who the Democratic workers were? A. No, sir.

Q. What did Mr. Odell and Mr. Withers say to these people? A. That I couldn't say; I wasn't near enough by to hear.

Q. You don't know what the conversation was about? A. No.

Q. When you were up to the fifth district in the first ward talking to McChristen, did anybody come in and vote? A. There were two people in the boxes at the time; one of them came out to deposit his ballot; McChristen then stood talking to me inside the rail, and I with my hand on the railing.

Q. In his sight? A. Certainly.

Q. One man did vote while this conversation was going on? A. I couldn't say that he did.

Q. You couldn't say anybody voted during that time? A. No, sir.

Q. While you were there? A. While I was there the vote was offered; there was nobody there to accept it.

CHARLES WATKINS, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Do you live in this city?? A. Yes, sir.

Q. Did you vote at the last fall election here? A. Yes, sir.

Q. In what ward? A. First ward, seventh district.

Q. Were you at that time a member of the Sherman Club? A. Yes, sir.

Q. How much money did you get for voting? A. I didn't get any.

Q. Did you get part of the donation of \$600? A. No, sir.

Q. Did anybody promise it to you? A. No, sir; not at all.

Q. Did you see Mr. Alsdorf on the day of election? A. No, sir.

Q. Who gave you the ticket that you voted? A. I got the ticket at the club-room the night before election.

Q. Who gave it to you? A. It was laying on the table and I picked them up and took them home with me; they had a lot done up.

Q. Who do you work for? A. For Mr. Perkins.

Q. Did you see Dawson on the day of election? A. I see him after the polls closed.

Q. Where did you see him? A. Down in Washington street.

Q. Have any conversation with him? A. No, sir; not at all.

Q. Did he give you anything? A. No, sir; he did not.

Q. Did he give you anything the next day? A. No, sir.

Q. The club got a donation of \$600; didn't they? A. I couldn't tell you that.

Q. You understood they did; didn't you? A. Not fairly; no, sir; I have heard some say so but I didn't take their mouth on the prayer book.

Q. Did you work around the polls that day? A. A very short time.

Q. Did you get anything for that? A. I did not; if I did I got it for myself.

Q. How much did you get? A. What I had with me before I commenced to work.

Q. How much did you have with you? A. That day about fifty cents or so.

Q. Did you get any before election? A. No, sir; not afterwards, any more than I worked for.

Mr. HIRSCHBERG.—That is all.

By Chairman ROESCH:

Q. You were not a member of the Roswell P. Flower Club? A. No, sir; had nothing to do with it.

GOTTLIEB C. F. DEESEROTH, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Were you a voter in the fifth district of the first ward last fall election? A. Yes, sir.

Q. Were you about the polls on that day? A. Some.

Q. Did you observe the condition in which the inspector, McChristen, was on that day? A. Yes.

Q. Was he sober or drunk? A. I saw him when I thought he was sober and I saw him when I thought he wasn't.

Q. What time in the day was it that he was drunk? A. That was in the latter part of the afternoon.

Q. And at the close of the polls? A. I thought he was pretty full then.

Q. Did you see anybody assist him in counting ballots that night? A. Yes, sir.

Q. Who? A. Mr. James Taylor.

Q. Was Mr. Taylor an inspector? A. No, sir.

Q. Was he a Republican worker at the polls? A. He was a Republican worker or watcher, whatever you may call it.

Q. The room where the election was held or where the inspector sat, did it open into a room leading back in which people promiscuously went? A. Yes.

Q. Did they have entrance in the place where the inspectors were? A. Yes, sir; during the time the polls were open.

Q. Also at the time they were counting? A. Yes, sir.

Q. Did you observe any electioneering within the poll limits that day? A. I did.

Q. By whom? A. Mr. Odell.

Q. What Odell? A. B. B. Odell, Jr.

Q. What did you observe him doing? A. He would meet parties and have a little conversation with them and accompany them back to the polls.

Q. Was he doing that more or less all day? A. I seen him several times.

Q. Was it a distance within 150 feet of the voting place? A. Yes, sir.

Q. Did you observe one George Rourke, being there that day? A. Yes, sir.

Q. What was he, a Republican worker? A. I suppose so.

Q. What did you observe him doing? A. He would meet parties a distance from the polls and have a conversation with them and go away with them and come back again and come nearly to the line.

Q. To the place of voting? A. To the place of voting.

By Chairman ROESCH:

Q. Was there a so-called dead line established? A. The police that were around there said the dead line was at the corner next to the poll.

Q. The police fixed the 150 feet distance from the polls? A. From the corner east of the polls was supposed to be the dead line.

By Mr. GARDNER:

Q. He was within this line that you are referring to? A. Rourke?

Q. Yes. A. No; he came near to it; he would stand on the opposite corner on the other side of the street.

Q. After Rourke would see the voters, as you have explained, would he and Odell meet? A. I did not see them meet.

Q. Or would the voter and Odell meet? A. Rourke would talk to the voters and then they would go across the street toward the polls, and Odell would meet them half ways, and sometimes he would go ahead of him and sometimes they would go alone, but he would go to the polls whenever they went in there.

By Chairman ROESCH:

Q. Would he hand them any ballots? A. On the way? no; Rourke generally did that.

Q. Did he do that outside or inside of the 150 feet? A. He did that outside; I didn't see them give him any tickets inside the line.

By Mr. HIRSCHBERG:

Q. How many times did you see Odell there that day? A. Perhaps a dozen times or more.

Q. Who did he speak to? A. I couldn't say.

Q. What did he say to them? A. I don't know.

Q. You can't tell a word he said? A. No.

Q. What did Rourke say to them? A. I didn't go near enough to him to hear what he said, but I could see they were talking together.

Q. You didn't know what they said? A. No.

Q. Can you name the persons he spoke to? A. I know some of them, but I couldn't now repeat the names.

Q. About this man being drunk; you say people had access in this room when the vote was counted? A. Yes, sir.

Q. What persons were in when the vote was being counted? A. In when the vote was being counted?

Q. Who was in there when the vote was being counted? A. There were several in there.

Q. You can't name their names? A. No; I know the workers were in there.

Q. Was Mr. Taylor one of the regularly appointed watchers? A. He was one of the watchers.

FRED HERMAN, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You are a voter in the seventh district of the first ward? A. Yes, sir.

Q. Were you about the polls in that district on the last election? A. Yes, sir.

Q. You were assisting the Republicans? A. Yes, sir.

Q. And Mr. Richardson? A. Assisting the whole ticket.

Q. You were in and about the polls? A. Yes, sir.

Q. Where the voters voted more or less all day? A. Yes.

Q. You had conversation with a considerable number of voters that day? A. Quite a few; yes.

Q. On the subject of their voting? A. I asked them how they wanted to vote; yes.

Q. You handed them ballots? A. Handed them pasters.

Q. They would ask you how to vote, some of them? A. No; tell me they wanted to vote a Republican ticket.

Q. There was none that day that asked you how you wanted them to vote, was there? A. No, sir.

Q. There was a little building or shanty a short distance from the voting place? A. Yes, sir.

Q. In which you were considerably during that day? A. Yes, sir.

Q. Was there anybody occupying that shanty? A. It was occupied as an office part of the time.

Q. By whom? A. By Mr. McDoel the butcher.

Q. Was Mr. McDoel there that day? A. Off and on all day.

Q. Is it a regular meat market? A. No, sir.

Q. What sort of an office is it he has there? A. Has a little stove in there, and keeps a good deal of stuff in there, and goes and sits down by the fire when he wants to.

Q. What sort of stuff does he keep in there? A. Truck.

Q. Didn't you have a conversation with a considerable number of voters in that shanty that day? A. Yes; that is where I showed them how to fold their tickets, and put the pasters on.

Q. You didn't put any Democrat pasters on? A. No; I aint one of that kind.

Q. Did you see Mr. Odell on election day? A. I saw him in the morning.

Q. Where was he? A. Up in the seventh district.

Q. Have any conversation with him on the subject of procuring voters that day? A. No, sir.

Q. What did he talk about? A. Wanted to know how it was going.

Q. What did you tell him? A. Told him I guessed it was going all right.

Q. Did you have a conversation with Warwick that day? A. Short one.

Q. You know Warwick very well? A. Yes.

Q. Did you say anything to him about the number of voters that you were securing for the Republicans? A. I did not.

Q. Did you tell him that you had them all fixed except five or six? A. No, sir.

Q. That in substance? A. No, sir.

Q. Did you give a voter that day any money? A. No, sir; I did not.

Q. Did you direct them where to go to get any money? A. No, sir.

Q. Did you have any votes or money in your hands that day? A. I had a few dollars.

Q. About how many? A. I couldn't say.

Q. Will you swear it was less than one hundred dollars? A. Yes, sir.

Q. Less than fifty? A. I don't know exactly what it was.

Q. Can you state from whom you got the money?

Mr. HIRSCHBERG.—I think it is entirely immaterial as long as the witness swears he used no money or paid no money.

Chairman ROESCH.—If it is, it won't do you any harm.

Mr. HIRSCHBERG.—No, but it won't do any good. Suppose he says he got the money from Mr. Lamont, what possible significance could it have?

Chairman ROESCH.—I would say Mr. Lamont used very poor judgment.

Mr. HIRSCHBERG.—Wouldn't you say the same thing if he got it from Mr. Richardson and didn't spend any of it?

Chairman ROESCH.—I would.

Q. From whom did you get the money which you had on that day? A. Got it from the committee.

Q. What committee? A. The State committeeman.

Q. Mr. Odell? A. Yes.

Q. Did he hand it to you that morning? A. No, sir.

Q. When did he hand it to you? A. Day before election.

Q. How much did he hand to you the day before election? A. I do not know.

By Chairman ROESCH:

Q. You didn't count it? A. No, sir.

Q. Weren't particular about how much it was? A. No.

By Mr. GARDNER:

Q. He handed it to you the day before election? A. Yes, sir.

Q. Where? A. Down town.

Q. Whereabouts down town? A. In his office.

- Q. In his office on Water street? A. Yes, sir.
- Q. What time of day? A. I couldn't say what time of day it was.
- Q. Night-time? A. I think not; I ain't certain.
- Q. Who was present when he handed it to you? A. Nobody.
- Q. Was it in his store? A. Yes, sir.
- Q. Did you see him count the money? A. No, sir; I did not.
- Q. You didn't count it? A. No, sir.
- Q. Didn't he tell how much it was? A. No, sir.
- Q. You didn't have interest enough to count it yourself? A. No, sir; I didn't know what I had.
- Q. Didn't care, did you? A. No.
- Q. Did you use any of that money up there that day? A. To pay the running expenses of the district I did.
- Q. What running expenses? A. Carriage hire and man on the carriage and watchers.
- Q. Will you swear that that is all that you used? A. Yes, sir; I will swear that is all the money I used.

By Chairman ROESCH:

- Q. How much did they charge for carriages on that day? A. Six dollars.

By Mr. GARDNER:

- Q. How many carriages did you have? A. One.
- Q. How many watchers did you have? A. Two.
- Q. How much did they charge a day? A. According what I was a mind to give them; I don't remember what I give them.
- Q. Wasn't it three dollars a day? A. I guess not.
- Q. How much? A. I don't know.
- Q. Didn't exceed three? A. I guess it did.
- Q. Did it exceed five? A. I couldn't say.
- Q. Who were the Republican watchers? A. Tuttle was the checker and a brother of mine was the watcher.
- Q. Aside from the expenses of the watchers and the one carriage, what other expenses were you to that day? A. I had two or three workers.
- Q. Who were those workers? A. Different ones; I don't know who they were now exactly.
- Q. You are not able to remember? A. I can remember some of them.
- Q. Who was one? A. One of them was Fleming, from the alms-house.
- Q. An inmate of the alms-house? A. Yes, sir.
- Q. How much did you give him that day? A. I don't remember, but I think I was to give him five dollars.

Q. To get the inmates of the alms-house out to vote? A. No, sir; to get eleven Republicans registered from the alms-house that he said was over there.

Q. You mean to get them to vote? A. To get them registered.

Q. They had already been registered? A. No, they hadn't at that time.

Q. What time was this that you employed him and gave him five dollars? A. It was the time the registry board was in session that I made a bargain with him to get these people registered.

Q. That was before you got the money from Odell? A. Yes.

Q. You couldn't have used that in paying him? A. I didn't give it to him until afterwards.

Q. He got the voters there, didn't he? A. I don't know whether he did or not; I don't know how many of them voted.

Q. You didn't pay him until after he got them there? A. I didn't pay him until after election.

Q. Wasn't that the bargain between you; he wouldn't have his money until he got the voters there? A. No; because I didn't have no money to pay him with.

Q. How long after election was it you gave him the five dollars? A. I think it was the day after.

Q. Did you give him more than five? A. I don't remember whether I did or not; I know he was not satisfied with what I did give him; I don't remember whether I give him more or not.

Q. The balance that he got over and above the five dollars he was to give to the others in the alms-house? A. I had nothing to do with any of the others over there.

By Chairman ROESCH:

Q. The question is what he got over the five dollars was he to divide that with any in the alms-house? A. That I don't know anything about.

Q. Did you give him any instructions to divide with those in the alms-house? A. No, sir; Mr. Fleming fetched me over eleven names on a piece of paper that were Republicans.

Q. All in the alms-house? A. They were inmates of the alms-house; he said it ought to be worth a day's pay to have those people registered and I told him if he got them all registered I would give him his day's pay, and he fetched another man over there that helped him and I give this other man a day's pay.

By Mr. GARDNER:

Q. Where did he get them from? A. The alms-house.

Q. Do you remember their names? A. I do not; I paid Fleming.

Q. You paid Fleming altogether fifteen dollars, didn't you? A. No, Fleming and another party.

Q. You gave Fleming ten dollars? A. I say I think I gave Fleming and this other party five dollars apiece; that would be ten dollars.

Q. Did you hand this other party five dollars in person or did you give it to Fleming to give to him? A. I gave it to the other party in person; they came together at the shop.

Q. You were aware at the time they were inmates of the alms-house? A. Yes.

Q. Didn't you think they would take less than five dollars a day for getting out some of their associates? A. I didn't ask them to.

Q. With the exception of what you paid those two, the carriage and the workers, were you to any other expense that day? A. No; nothing more than I spent quite a little money around through the wards the night before; that was all.

Q. You say that you would give them the pasters in this shanty? A. Yes, sir.

Q. After you gave them the pasters they would go and vote? A. Yes, sir.

Q. After they would vote they would come back to the shanty? A. Sometimes they would and sometimes they wouldn't.

Q. What did they come back to the shanty for? A. There was a stove in there and they came back to get warm.

Q. It must have been pretty full sometimes? A. Fifteen or twenty sometimes.

Q. You saw some men vote there that day that took ballots from you that you knew were purchasable? A. I know they used to be.

Q. Have they reformed of late? A. Yes, the parties are Republicans and if there is no money in the field they are going to vote their own ticket.

Q. They have reformed of late? A. I suppose they have, yes, sir.

Q. Quite a good number of those purchasable voters that took ballots from you that day? A. I was the only one there to give it to them.

Q. Weren't there as many as fifty or sixty in that district of that character? A. I couldn't say.

Q. What is your opinion? A. There may have been as many as that; may be less and may be more, I couldn't say.

Q. You know one Guinon? A. From the alms-house?

Q. Yes. A. I don't know him to speak to him.

Q. Did you have any conversation with him that day? A. Not a word.

Q. You know one Duncan? A. No, sir; Fleming is the only man I know by name from the alms-house.

Q. You didn't have any conversation that day with Warwick at all? A. Yes, sir; a few minutes.

Q. What did you say to him? A. He came up there and says "Hello Fred.;" I says, "Hello Jack;" he says "How are you making out?" I says, "All right;" he says "What are you paying?" I says, "I ain't paying nothing; they are voting from love;" he turns around and says, "You go to hell;" I says, "Jack, I thought you were with us, to-day;" he says, "I am going to get square with Tygert."

Q. Love for money or love for what? A. Love for the party, I suppose.

Q. You can love for money? A. No, sir; I did not; I didn't say so.

Q. You know Williams? A. What Williams?

Q. A Williams that voted there? A. There are several of them.

Q. One of them you know to be a purchasable voter, don't you? A. No, sir; I do not particularly; I know there are several Williams' there.

Q. Don't you know any of them to be purchasable? A. I know them all.

Q. Did you ever assist them in preparing their ballots at any other election than that election — the Williams? A. I don't think I have got a right to go beyond this; that has nothing to do with this case.

Mr. HIRSCHBERG.—We object to it unless the committee wish to lay down that rule.

Chairman ROESCH.—The committee thinks they have enough on hand with the last election.

Q. Did you agree that day to see that Williams was paid money, one of those Williams, any one of them, that day? A. No, sir; I did not.

Q. Did you prepare the ballots for a Williams, a voter, that day? A. I didn't prepare the ballots for anyone; I showed them how to prepare them.

Q. Did you show Williams how to prepare a ballot? A. I showed several of the Williams'.

Q. That day? A. That day.

Q. Did you directly or indirectly promise to them that they would get paid for their day's work in coming out to vote, if they would vote that ballot you gave them? A. I made no promise to them of any kind.

Q. Did you say they would get it from anybody? A. No, sir.

Q. What did you do with the balance of this money which you had, of fifty dollars, after you paid these expenses? A. Kept it for my day's work.

Q. Got pretty well paid for your day's work, didn't you? A. No; not very big.

Q. Did you know Gaines? A. What Gaines?

Q. Josiah? A. Yes, sir.

Q. Did you see him that day? A. I did.

Q. Prepare his ballot? A. No, sir.

Q. Was he in the shanty? A. Yes, sir.

Q. Before he voted? A. I don't know; he came in there and asked me if I would show him how to fold his ballots; I did so.

Q. Didn't he come back to the shanty after he voted. A. He might have.

Q. Don't you know he did? A. I couldn't say.

Q. Didn't you pay him anything that day? A. No, sir; I did not.

Q. Didn't you promise to pay him anything? A. No, sir.

By Chairman ROESCH:

Q. You don't know how much money you got from Mr. Odell? A. No, sir; I do not.

Q. Mr. Odell handed you the money and you put it in your pocket? A. Yes.

Q. You didn't count it? A. No, sir.

Q. Did he give it to you in an envelope? A. No, sir.

Q. You saw it was money? A. Yes.

Q. What did you think he gave you that money for? A. Gave it to me to pay the running expenses of the ward, which you know yourself there are running expenses.

Q. What did Mr. Odell say to you when he gave to you the money? A. Didn't say anything particularly that I remember.

Q. You don't recollect that he said anything to you? A. No, sir.

Q. Did he give you any special instructions as to what to do with the money? A. No, sir.

Q. Did he say that you should use the money to pay the running expenses? A. That is what he gave it to me for.

Q. Did he say that? A. Yes; and I went and hired a carriage.

Q. Did he say to you use the money to pay the running expenses? A. To pay the carriage hire, watchers, etc.

Q. He used the word "carriage hire?" A. Yes; he told me to go and hire the carriage.

Q. He told you to pay the watchers? A. Yes, sir.

Q. You did have quite some conversation? A. No; that was all our conversation was between us.

Q. You did have quite some conversation, but all you remember of it now is about the carriage hire and the watchers? A. I asked him if he had a carriage and he said "no; you go and hire one."

Q. Is there anything else that you remember of that conversation? A. No, sir.

Q. Did you get that money on election day? A. No; the day before.

Q. Night before? A. I couldn't say; sometime the day before; I think it was in the afternoon but I ain't certain.

Q. Did you keep a check-list of the voters? A. Yes, sir.

Q. Did you return that check-list to Mr. Odell with an account of your expenses for the carriage hire? A. No, sir.

Q. Or for watchers? A. No, sir; for nothing.

Q. You didn't give Mr. Odell any account at all of the money you laid out? A. No, sir.

Q. Mr. Odell does not know to-day what the running expenses were? A. No, sir; he does not.

Q. Except what he learns here to-night; you never told Mr. Odell you had a balance of fifty dollars for yourself? A. I didn't say I had a balance of fifty dollars.

Q. Didn't you testify there was about fifty dollars left? A. No; he asked me if I had less than a hundred and I told him I thought so.

Q. How much do you think you had left for your own work? A. I don't know.

Q. Not particular to know how much you had left for yourself, are you? A. I didn't bother counting it.

Q. Was it so much that it was too much bother to count? A. No; it wasn't.

Q. Where is the check-list? A. I have got it.

Q. Have you got it with you? A. Yes, sir.

Q. Let me see it.

(Witness produces list.)

Q. What do these marks mean along the names of voters? A. Those are the ones that have voted.

Q. These check marks? A. They are the ones that came in and voted.

Q. The marks not like that, more round? A. They all mean the one thing; that list are Democrats and Republicans both.

Q. This is a copy of the poll-list? A. Yes, that was kept by a man by the name of Tuttle; the man the polls are rented from.

Q. This is supposed to be a copy of the whole list of voters? A. The whole of the voters in that district.

Q. Democrats and Republicans alike? A. Yes, sir.

Q. What do these ink marks mean under the different columns? A. Those are Republicans and those are Democrats.

Q. When were those marks placed alongside of those names? A. They were put there by the man that took a canvass of the district.

Q. These marks represent the judgment of the man who took the canvass of the district in regard to the politics of the different voters?

A. Yes, he said he went around personally to each man and asked him his politics.

Q. The other marks in lead pencil outside of the column represent those who actually voted? A. Yes, sir.

Q. Are there any marks in this book opposite the names of Republican voters different from the marks opposite the names of Democratic voters? A. Sometimes he made a mark a little different, but they are all meant for the one thing.

Q. You knew quite well the Republican and Democratic voters? A. Yes, sir; they are all Republicans up there about.

Q. Is there any difference to your mind denoted by this mark as against the meaning attached to that? A. No, sir.

Q. It makes no difference whatever whether the mark is made in one way or another; it simply means that man voted? A. Yes, sir.

Q. Does not represent to your mind anything you laid out for carriage hire? A. No, sir.

Q. Or for watchers? A. No, sir.

Q. Or for any other expense? A. No, sir; it does not represent anything but the man has voted.

Q. What do these names which are added in lead pencil indicate? A. Those were some that this man had missed and they got registered and they were copied from the poll-list afterwards.

Q. They don't mean the names of any that received any money from you? A. No, sir.

Q. Is there a name of any man in this book that received any money from you? A. No, sir; not unless he was one of the watchers.

Q. How many watchers did you say you had? A. Two.

Q. You paid them five dollars apiece? A. Yes, sir.

Q. Those two names are on this book? A. They ought to be; they are watchers in the district up there.

Q. Any other names on this book of men you paid for working around the polls, carriage hire or such? A. Yes, sir, Fleming.

Q. Anyone else? A. No, sir, I think not.

Q. Then you paid Fleming and the two men? A. This other man at the alms-house.

Q. That is four men? A. That is four men.

Q. Is that all you paid? A. That is all I can remember of having around to help me or anything of the kind.

Q. You paid six dollars for carriage hire? A. Yes, sir.

Q. What other running expenses were there besides carriage hire? A. I paid for the office.

Q. What office? A. McDoel.

Q. You paid him for his office? A. Yes, sir.

Q. Did you pay him to go in there and get warm around his stove? A. I hired the office from Mr. McDoel.

Q. For what purpose did you hire the office? A. For instructing the voters how to vote; to fold their tickets and put the pasters on.

Q. Did you have paster ballots in his office? A. Yes; some sample ballots.

Q. You only showed them how to fold their ballots? A. Showed them how to fold their ballots and put their pasters on.

Q. How much did you pay McDoel for the rent of that office? A. I think I paid him four dollars.

Q. Did you keep a list of the men who came into that office, in order that you should show them how to vote? A. No, sir; I suppose every man that voted came around there; they knew there was a stove there to get warm.

Q. It was necessary to show every man how to vote? A. There are a good many up in that district that can't neither read nor write; this stove happened to be in there; that is why I got the building.

Q. Was it cold that day? A. Yes, sir; it was.

Q. Have you any other list with you except this canvass book? A. That is all.

By Mr. GARDNER:

Q. You have a brother that was working with you up there that day? A. Yes, sir.

Q. Did you observe any of these voters go up under a shed after you had handed them—after they had voted? A. Nothing more than I seen a man on the Democratic carriage have a man up there under the shed.

Q. Don't you know your brother was up under a shed and had conferences with voters after they had voted? A. He might have been; I might have been there myself; I was under the shed.

Q. Did you have any conversation under the shed with voters? A. I had conversation up there with several.

Q. After or before they had voted? A. We used to go and get a cigar, and we had to go under the shed to get there.

Q. From what place? A. From a cigar store up there.

Q. Was that after or before they voted when you would go with a voter to get a cigar? A. I would go any time; just when I felt like having a smoke.

Q. You were busily engaged most of the day in that shanty?
A. No, sir.

By Chairman ROESCH:

Q. You paid six dollars for carriage hire? A. Yes.

Q. Four dollars for that office? A. Yes.

Q. Five dollars apiece to two watchers? A. Yes, sir.

Q. And two men from the alms-house five dollars each? A. About the alms-house vote, I say they wern't satisfied when they came over there, and I don't remember whether I gave them more or not; I paid them five dollars anyway.

Q. That was thirty dollars? A. Yes.

Q. What else did you pay? A. I went around through the wards the night before election; it would all come in out of the same thing.

Q. You paid on election day some debts that you made before election day for election purposes? A. No, sir.

Q. You paid after election? A. No, sir; I paid these alms-house men the day after.

Q. You mean to say your whole expenditure outside of what you needed for yourself in going around on election day and in treating on election day your whole expenditure was thirty dollars? A. I don't know anything about what I spent for cigars and so on.

Q. Leaving that out? A. I think that was all; thirty dollars, I think that was the amount.

By Mr. GARDNER:

Q. Were you one of the watchers there yourself? A. Yes, sir.

Q. Did you have two other watchers besides yourself? A. No, sir; Mr. Tuttle was a checker; he didn't act as a watcher.

Q. How far is that shanty from the polls? A. About sixty-four paces.

Q. How many feet? A. I should judge between 175 and 180; I don't think I paced quite three feet to a pace but it was sixty-four by my paces.

By Chairman ROESCH:

Q. When were you subpoenaed to come up here? A. This morning.

Q. Did you measure off the paces since you were subpoenaed? A. I measured to-night.

Q. You thought you were going to be asked? A. I supposed from what Mr. Warwick was asked at Albany I would be asked.

Q. Nobody told you what you would be liable to have to testify to?
A. No, sir; I haven't seen anybody; I seen Mr. Warwick's evidence and I supposed that is what it would be.

By Mr. GARDNER:

Q. You are an alms-house commissioner? A. Yes, sir.

Q. One of the three? A. One of the six.

Q. You are in and around the alms-house a good deal? A. Once a month.

Q. You know a good many of the inmates there? A. No, sir.

Q. You have considerable control up there about the alms-house?
A. I never go there only meeting day.

Q. A good deal to say about the management of it? A. Nothing more than any other commissioner.

By Chairman ROESCH:

Q. How long have you been in office? A. Since last March.

Q. March, 1891? A. Yes, sir.

Q. Never were a commissioner before that? A. No, sir.

Q. Never had any official duties to discharge around the alms-house before that? A. No, sir.

Q. How many inmates in the alms-house? A. I don't know; the superintendent made a report the other day; I think he said there were something over a hundred.

Q. All of them of full age? A. No, sir; some children.

By Mr. GARDNER:

Q. You are an ex-alderman of this city also? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. The alms-house commission is a non-partisan board? A. Yes.

Q. Composed of three Democrats and three Republicans? A. Yes.

Q. With a Democratic superintendent? A. Yes, sir.

Q. Do you know how many voters there were in the alms-house on election day all together? A. This man Fleming told me there were thirty-one and there were eleven Republicans and the rest were Democrats.

Q. You only interested yourself to get the Republicans registered?
A. That is all.

Q. Do you know whether the others were registered? A. I believe they were all registered.

Q. And voted? A. I couldn't say about that; I know the Democratic wagon made several trips over there that day.

Q. Who had charge of it? A. A man named Forshay, on that.

By Mr. TAYLOR:

Q. Where did Mr. Forshay let the people out of the carriage? A. Right in front of the polls.

Q. Didn't leave them out anywheres near the shanty? A. No, sir.

By Mr. HIRSCHBERG:

Q. Democrats didn't come in your shanty? A. No; I don't think a Democrat came in there that day.

GEORGE W. MURRAY, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Did you vote at the last election? A. Yes, sir.

Q. In what ward? A. First ward.

Q. Do you know what district? A. Second, I believe, or the fifth.

Q. Were you at that time a member of the Sherman Club? A. Yes, sir.

Q. Did you receive a part of the donation which was given to the club of \$600? A. No, sir.

Q. Did you receive anything for your work on that day at the polls? A. No, sir.

Q. Was any promised to you? A. No, sir.

Q. Do you know that the club got a donation of \$600? A. I do not know.

Q. Didn't you hear at the time that they were to have a donation of \$600? A. No, sir.

Q. A little before election? A. No, sir.

Q. Didn't you attend some of the meetings of the club? A. Yes, sir.

Q. Were you there that night when one Hasbrouck was there? A. No, sir.

Q. Were you there the night before election? A. No, sir; not that I know of.

Q. Were you there at any meeting when Benjamin Odell was there and addressed the meeting? A. No, sir.

Q. Did you see Alsdorf on the day of election? A. No; I did not.

Q. Who gave you your ticket? A. I got them down to the room.

Q. Who handed them to you? A. Nobody; they laid on the table; I walked there and put them in my pocket.

Q. What time in the day did you vote? A. In the morning.

Q. Did you work that day? A. Yes.

Q. For whom? A. Jim Finn.

Q. What doing? A. On a garbage wagon.

Q. After voting did you go back? A. Yes.

Q. Do you live on Washington street? A. Ann street.

Q. Did you see Dawson that day? A. No.

Q. Did you see Pelham? A. No.

Q. Were you in Alsdorf's house? A. No, sir.

Q. Or Dawson? A. No, sir.

Q. Or Pelham? A. No, sir.

Q. Did you ever hear anything about a \$600 donation to the club?
A. No, sir; I have not.

Q. Have you talked with anybody within the last week with regard to this case? A. No, sir.

Q. Will you swear you have not? A. No, sir; I know it; that is right.

Q. Did you see a man last night? A. There was a man to our house.

Q. What time? A. I don't know what time.

Q. Wasn't it about between 9 and 10 o'clock? A. I don't know.

Q. It was after dark? A. Yes; it was after dark.

Q. Did you say anything to him about voting? A. No, sir; I did not.

Q. Wasn't there a word passed between you? A. No, sir.

Q. What did he come there for? A. He had a subpoena, I believe, for me.

Q. Didn't he tell you what you were wanted for? A. No, sir; he did not.

Q. You didn't ask him what he wanted of you? A. He said he wanted me to come down here to-night; that is all he told me; that is all I know about it.

Q. Who was by when he handed you that subpoena? A. Nobody but myself.

Q. Was Watkins there? A. No, sir.

Q. Haven't seen anybody to-day? A. No; I have not.

Q. Haven't you seen Mr. Dawson to-day? A. No, sir.

Q. Or Alsdorf? A. No, no.

Q. The Sherman club had a meeting the other night, didn't they?
A. I don't know nothing about that.

Q. Weren't you there? A. No, sir.

Q. Don't know anything about what they did? A. Don't know nothing about it.

WILLIAM DUNN, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You voted at the last election? A. Yes, sir.

Q. In this city? A. Yes, sir.

Q. You are a member of the Sherman Club? A. Yes, sir.

Q. You know the fact they got a donation of \$600? A. No, sir; I do not.

Q. Did you ever hear anything of it? A. No, sir; I did not.

Q. Were you present at any meetings at which Mr. Odell was? A. No, sir; I was to the meeting several times but I never saw Mr. Odell there.

Q. Were you at a meeting the night or day before election? A. No, sir; I couldn't get off that night.

Q. Were you there two or three days before election? A. No, sir; I never was to a meeting but twice in my life.

Q. Did you know of a committee being appointed to wait on the state committeeman to see how much money he was to donate to the club? A. No, sir.

Q. Did you ever hear of that? A. No, sir.

Q. Where did you get your ticket? A. I got my ticket up at the poll.

Q. Who handed it to you? A. I got it inside the poll; I don't know the man's name.

Q. Didn't you see Mr. Dawson that day? A. I didn't see him at all; I didn't see him after election within a week after.

Q. Where did you see him a week after? A. On Water street.

Q. Have any talk with him? A. No, sir.

Q. Did you see Mr. Alsdorf that day? A. No, sir; I did not.

Q. Pelham? A. No, sir.

Q. Were you in Alsdorf, Pelham or Dawson's house? A. No, sir; was not; that is somewhere I never goes; I never goes to none of those places.

Q. Do you know who it was that handed you the ticket in the polls? A. No, sir; I don't know the man; I couldn't swear to the man.

By Chairman ROESCH:

Q. Was it one of the election officers? A. I don't know; this is the first time I ever voted.

Q. How old are you? A. Twenty-three.

Q. Is it a man that stood inside or outside of the rail in the polling place? A. A man inside.

By Mr. GARDNER:

Q. Did you ever have any talk with Dawson on the subject of voting?
A. No, sir.

Q. Did Dawson ever pay you any money for anything? A. No, sir; he never have; I never had a great deal to say to Dawson.

Q. Did Alsdorf ever pay you any money for anything? A. No, sir; more than that, Alsdorf don't speak to me.

Q. Did Pelham ever pay you any money for anything? A. No, sir.

Q. At any time? A. No, sir; Pelham never paid me a cent for nothing in his life; neither did Alsdorf; neither did Dawson.

Q. You work for Mr. Doherty? A. Yes.

Q. Have you had any conversation with him? A. No, sir; he tried to get something out of me yesterday morning, and I wouldn't tell him anything at all; he asked me did I get any money; I told him no, and said, "Suppose I did get money, do you suppose I would come and tell you?"

Q. You wouldn't tell him either, would you? A. Why, certainly not; what good would it do me to go and tell a lie for nothing?

By Chairman ROESCH:

Q. Can you read? A. No, sir; not very much.

Q. When you went in the polling place and got the ballots, what did you do with it? A. I folded it and hand it the man, and he put it in the box.

Q. You folded the very ballot that you got? A. No, sir; I did not.

Q. Which did you fold? A. I changed them.

Q. You changed the one that you got for that you brought with you? A. No, I didn't bring any with me at all.

Q. Where did you get the one that you changed? A. They gave me four ballots.

Q. Did you take those four with you into the polling booth? A. Yes.

Q. Did you fold one there? A. Yes, sir; I folded all four.

Q. Did you bring them all four out folded? A. Yes.

Q. When you were in that little place did you paste any other piece of paper on the ballot that you got? A. I did.

Q. Where did you get that piece of paper that you pasted on the ballot? A. I got that inside.

Q. Also inside? A. Yes.

Q. Who did you get that from? A. I don't know the man's name.

Q. Was the man that gave you that inside or outside of the rail?
A. The man gave it to me inside.

Q. Inside of the polling place? A. Yes, sir.

Q. Did he give it to you this side of the rail in the polling place?

A. I didn't notice particularly.

Q. How many did he give you? A. He gave me four.

Q. Then did you get four more from another man? A. No, sir.

Q. All you got then was four tickets? A. Yes, sir.

Q. You took those four tickets into one of the booths and there you folded all four? A. Yes, sir.

Q. Did you paste another ticket on all four or only on one? A. Only on one.

Q. Where did you get that ticket from that you pasted on the one ballot? A. I got them at the poll.

Q. Sure about that? A. Yes, sir.

Q. Didn't bring it in with you from outside? A. No, sir, I did not.

Q. Didn't get it outside? A. No, sir.

Q. Didn't find it lying in the little booth into which you went to fold your ballot? A. I didn't notice that particularly.

Q. You are positive you got four ballots in the polling place? A. I got four tickets and one paster and I pasted on the ticket I wanted to vote.

Q. Who did you get the paster from? A. I got it from the man that gave me the ticket.

Q. The same man that gave you the tickets gave you the paster? A. Yes, sir.

Q. Who was it that gave you the tickets? A. I don't know the man's name.

Q. Could you recognize the man? A. No, sir; I could not.

Q. If the man were in here now anywhere could you pick him out? A. No, sir, I couldn't swear to it.

Q. Did you ever see that man after election? A. No, sir; I did not.

Q. On election day after you had voted? A. No, sir.

Q. You are positive that you got the paster from the same man that you got the tickets from? A. Yes, sir.

Q. And you got four tickets and one paster? A. Yes, sir.

Q. You are not mistaken about that, are you? A. No, I ain't mistaken about that; I know it was a paster inside the tickets.

Q. A paster inside of the tickets? A. Yes, sir.

Q. Then you got four tickets, and inside of one of those four there was a paster? A. Yes, sir.

Q. And you pasted that paster over one of the four tickets? A. Yes, sir.

Q. And you folded all four? A. Yes, sir.

Q. And voted the one ticket upon which you had pasted the paster?
A. Yes, sir.

Q. Sure about that now? A. Yes, sir; the ticket I voted I held it in my right hand, and the other three tickets I held in my left

Q. You got your instructions in the Sherman Club just how to vote; you were shown how to vote; how to fold your ballots? A. No; I called in the club, and I have seen them before I came to Newburgh.

Q. Where were you before you came to Newburgh? A. I was in Petersburg.

Q. How far away is that? A. Nineteen hundred miles from there.

Q. Petersburg in what State? A. Virginia.

Q. Do they vote that way in Virginia? A. Why certainly; fold their tickets just the same as they do here.

Q. How long were you there? A. I was born there.

Q. Were you a voter there? A. No, sir.

Q. Are you a member now of the Sherman Club? A. Yes, sir.

Q. Been in the club-room lately? A. No, sir; I haven't been in there since before election; the week before election.

Q. Were you ever a member of the Roswell P. Flower Club? A. No, sir.

By Mr. HIRSCHBERG:

Q. Do I understand you to say the paster was folded in the ticket when you got it? A. Yes, sir.

Q. The ticket was folded up? A. No; he handed them all out in his hand and I folded them afterwards.

Q. How could the paster be inside the ticket if the ticket wasn't folded up? A. It was between the other tickets.

Q. It wasn't folded up in a ticket at all? A. No; the tickets wasn't folded up.

Q. Do you know whether this was an official paster? A. I couldn't tell you about that, but I have taken it for that.

By Chairman ROESCH:

Q. You were handed the four tickets in that way? A. Yes, sir.

Q. And between these four tickets you say this paster was found by you? A. Yes, sir; the paster was found.

Q. Sure about that; do you know of anyone else who got a paster in the same way you did? A. No, sir; I do not.

Q. So far as you know you are the only one that got a paster that way? (No answer.)

By Mr. HIRSCHBERG:

Q. What district was it? A. Fourth ward I voted in.

Q. In what district of the fourth ward? A. The fourth district.

Q. Fourth district of the fourth ward? A. How do the districts run? I don't know.

By Chairman ROESCH:

Q. Where was the polling place in which you voted? A. No. 4.

Q. In what street? A. South street.

Q. Between what other streets? A. South and Liberty street and Chambers; Chapman hose I voted at.

By Mr. GARDNER:

Q. Do you know Samuel Hilton? A. No, sir; I do not.

Q. You don't know Hilton? A. No, sir.

Q. He has his office on Front street, a carpenter? A. I don't know him; Aldermen Hilton do you mean?

Q. His brother? A. I don't know his brother.

BRIDGET MORAN, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live in this city? A. Yes, sir.

Q. In the fifth district of the first ward? A. I don't know.

* Q. You saw McChristen that day? A. Yes, sir.

Q. The Democratic inspector that has been referred to in the evidence; did you observe his condition, whether he was sober or drunk? A. He was sober at the time, I saw him.

Q. Do you keep a saloon? A. Yes, sir.

Q. Did you see him in your saloon that day? A. No, sir.

Q. Are you quite sure you didn't? A. Not in the day; I saw him in the evening as he was coming down to hear the returns.

Q. About what time in the evening was that? A. I couldn't exactly say; between 6 and 7, may be 7 or 8; it was quite late, anyhow.

Q. Wasn't it as early as 5 o'clock? A. No, sir.

Q. Or 6? A. No.

Q. Did he get a drink at your bar? A. Yes, sir.

Q. Drink of whisky? A. No, sir.

Q. What was it? A. Glass of ale.

Q. Is that the first you saw him in there that day? A. Yes.

Q. How far is your place from the voting place in that district?
A. A block and a half.

Q. During the day your place was open? A. My public door was locked.

Q. There was a private entrance into the bar-room from the outside?
A. Yes; I have the back part of my store, and of course I have a private entrance.

Q. During all the day there were some people in there, men? A. Occasionally.

Mr. HIRSCHBERG.— I would like to call the committee's attention to the fact the petition says it was Mr. Richardson and his agents got this man drunk.

Mr. GARDNER — We will you show that it was before we get through.

Q. During all the day there were more or less in your bar-room?
A. Yes.

Q. Did you hear any of them talk about voting? A. I think I did; I don't remember very distinctly.

Q. Will you state what you do remember? A. I heard a man say, "Come boys, go to the polls."

Q. Who was it said that? A. Mr. George O'Rourke.

Q. The one Dieseroth referred to? A. Yes, sir.

Q. How many men were in there at that time that he said "let us go and vote?" A. Three or four.

Q. Did they go out with him? A. Yes, sir.

Q. Did they return afterwards? A. No.

Q. Did you see any money that day, in your bar-room? A. I didn't see the money but I heard them exchange money.

Q. Why is it you didn't see it? A. I couldn't; he was down just as you are there.

Q. He was behind the bar? A. He was outside of it and I was behind it.

Q. O'Rourke was exchanging money with whom? A. With several men.

Q. What was it; did it rattle as though it was silver? A. No; paper money.

Q. Did you hear him say anything at the time what it was for? A. No, sir.

Q. Was it those men that went with him out to vote? A. Yes, sir.

Q. You heard the money rattle before they went? A. Yes, sir.

Q. How many were there went out with him? A. Sometimes three and sometimes two and perhaps four, at different times.

Q. Then he was in there all day and asked them to go and vote, and he would go with them out? A. He wasn't in all day; he came in several times.

Q. Did you hear the money being exchanged with different parties at different times during the day? A. Yes, sir.

Q. It was not one time you refer to but different times? A. Yes, sir.

Q. The money that you heard rattle did it appear as if they were new bills? A. Yes, sir.

Q. Made sort of a crackling sound as though they were new? A. Yes.

By Mr. HIRSCHBERG:

Q. Did you see any bills? A. Yes, I saw one man; he laid it on the bar and treated out of it after he got it.

Q. That is the only bill you saw? A. Yes.

Q. What was that, a dollar bill? A. Yes; new dollar bill.

By Mr. GARDNER:

Q. He got it from whom? A. O'Rourke.

Q. And afterwards they went out to vote? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. They all had a drink on it first? A. Yes,

JOHN SMITH, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You are a voter and resident of this city? A. Yes, sir.

Q. In what district and ward? A. In the second district of the fourth ward I live.

Q. Did you vote at the last election? A. I did.

Q. You voted the Republican ticket? A. I did.

Q. Were you about the polls more or less all day? A. I was at the polls in the fifth district of the first ward all day after voting in the morning.

Q. You live and vote in the second district of the fourth ward? A. Yes.

Q. In another part of the city? A. Another part of the city.

Q. What time of day did you go there to the fifth district of the first ward? A. I should say it was a little before 8 o'clock when I got there.

Q. What time did you leave? A. After the votes were counted at night.

Q. Is that the district in which the inspector McChristen acted? A. He was there.

Q. Did you prepare ballots for the voters to vote that day? A. I went into the booth with one voter who was physically disabled and prepared one ballot for him.

Q. What was the trouble with him? A. Couldn't see.

Q. What was his name? A. I don't remember; I never had seen him before.

Q. Did he have glasses on? A. No.

Q. Was he an old man? A. An old man.

Q. Who sent him to you? A. He came there and got his ballots; and said he was unable to vote and they asked him if he wished to have a man prepare his ballots and he said yes; they asked him who he wished to have go with him and they pointed to me.

Q. Where did you stand that day? A. I was in the polls; I was a watcher.

Q. One of the Republican watchers? A. Republican watcher.

Q. Weren't you out as a matter of fact, a good portion of the day? A. No, sir.

Q. Weren't you out at least three or four hours during the day? A. I don't think I was out more than an hour all together.

Q. When you were out you were talking with voters? A. I talked with one or two voters.

Q. Prepared their ballot? A. Never gave them a ballot.

Q. Asked them how to vote? A. Asked them if they would vote the Republican ticket, several of them.

Q. I understood you to say you talked with but two? A. I didn't say that I think.

Q. How many did you talk with that day? A. I couldn't say.

Q. Talked with a considerable many? A. Perhaps three or four, it may have been.

Q. Don't you know it is a fact you talked with over twenty-five voters that day? A. I don't think I did.

Q. Will you swear that you did not? A. I will swear that I did not.

Q. Talk with them on the subject of voting, that you didn't with twenty-five? A. Certainly I will swear that.

Q. Will you say you didn't twenty? A. Yes; I will say I didn't twenty.

Q. Will you say you didn't fifteen? A. I will say I don't think I talked with fifteen; I couldn't say exactly the number.

Q. Can you mention the names of the men with whom you talked with that day? A. I can remember two.

Q. Can you remember more than two? A. Yes; three.

Q. Who were those three? A. One was named Tremper, one was named Thomas and the other was named Donohue; I have known them for years.

Q. Had you before that election day asked them to vote the Repub-

lican ticket? A. I have asked Tremper; I have not asked him to vote the Republican ticket, I have asked him to vote.

Q. On prior occasions? A. Yes, sir.

Q. Isn't it a fact that the most of those to whom you talked that day were men that you had talked to on prior election days? A. I don't remember outside of Tremper.

Q. What is your opinion about it? A. I wouldn't give any opinion; I don't think so though.

Q. Were you acquainted with them? A. I know them all by sight.

Q. Did you know whether they were Democrats or Republicans? A. No; I know that most of them were Republicans.

Q. How do you know most were Republicans? A. Because they voted there before and two of those I mentioned worked for us.

Q. Worked for you? A. Yes.

Q. With regard to the others how did you know they were Republicans? A. I didn't know; I supposed them to be Republicans.

Q. Did you have any money that day? A. No, sir.

Q. With you? A. I had a few dollars.

Q. How much? A. I don't know; less than ten dollars.

Q. From whom did you get it? A. That was my own money.

Q. You know Mr. B. B. Odell? A. I do.

Q. Did you have a conversation with him on that day? A. I had breakfast with him on that day.

Q. Where? A. At his house.

Q. What time of day? A. About half-past 6 in the morning; I was to be there early.

Q. What time were you there? A. I think a little later.

Q. Were you at Mr. Odell's office that day. A. No, sir.

Q. When you left Mr. Odell did you leave him at his house? A. No, sir.

Q. Where was it that you left him? A. He was going up into the first ward, and we went together.

Q. Where did you part with Mr. Odell? A. At the fifth district of the first ward; I got out of the carriage there and went into the polling booth.

Q. You rode up in a carriage from his house? A. Rode up in a carriage from his house to the fifth district of the first ward.

Q. What polling place besides that, if any, did you visit with him while in the carriage? A. I didn't visit any.

Q. That is the only polling place? A. That is the only polling place.

Q. Did you leave the polling place that day after you got out of the carriage? A. I was about there.

Q. Did you go out of that ward after you left the carriage? A. No, sir.

Q. What time of day was it that you got in the carriage with Mr. Odell? A. Something after 7 o'clock; I don't know just what time.

Q. Had the polls opened up in the fourth ward? A. I had been there and voted.

Q. Before you took breakfast? A. Before I took breakfast.

Q. Did you see Mr. Odell on the day before election? A. I don't remember.

Q. Will you swear you did not? A. No, I won't.

Q. Will you swear you didn't see him in his office? A. Yes, sir.

Q. You will swear you didn't? A. I will swear I didn't see him in his office.

Q. When was the last you saw him in his office? A. Probably between two and three weeks ago.

Q. I mean before election? A. Oh, I can't remember; I don't think I was in his office for some time before election.

Q. Wasn't it two or three days? A. I should say it was more than that.

Q. What did you go to the office for? A. I have often gone there to see Mr. Odell.

Q. On what occasion was it you went there the last time before election? A. I don't remember.

Q. Didn't you talk over the subject of election? A. I think it probable.

Q. The last time before election? A. I think it probable.

Q. Was there anything said between you and Mr. Odell on the subject of money for expenses of election? A. None whatever; I had nothing to do with the money for expenses.

Q. Did he say anything to you how much he had on hand for election purposes? A. He did not.

Q. Who was there with you? A. James Taylor.

Q. Wasn't he a worker in the fifth district of the first ward? A. He was a watcher with me.

Q. Did you go there in company with Mr. Taylor to Odell's office? A. No, sir, Mr. Taylor came later, I think; I am not sure whether Mr. Taylor was at the polls before I was or not.

Q. At the office of Mr. Odell? A. I never met him at the office of Mr. Odell.

Q. Who was there at Odell's office at the time you were there?
A. I don't remember that any one was there.

Q. Did you use any money on election day at all? A. I did not.

Q. Did you pay watchers anything? A. I did not.

Q. Carriage hire, anything? A. Nothing whatever.

Q. Did you get paid for your services in working that day? A. No, sir.

Q. Not one cent? A. No, sir.

Q. Why is it you went there if you were not acquainted with only three or four voters out of your ward to the fifth district? A. I didn't say I was only acquainted with three or four voters.

Q. You stated, did you not, in your answers to me that you didn't see over fifteen that day? A. I stated that I didn't speak to over fifteen.

Q. On the subject of voting? A. On the subject of voting.

Q. Did you not say to me that you were not acquainted with over two or three? A. No, sir.

Q. Now, then, will you state how many that you were personally acquainted with that you talked with on the subject of voting that day? A. I stated that I don't remember the number; I didn't talk with any except those I was personally acquainted with.

Q. How many were there? A. I stated I didn't remember.

Q. Would it be as many as ten? A. I say it may have been from ten to fifteen.

Q. But not more than that? A. I do not think more than that.

Q. Can you mention the names of more than two or three that you talked with that day that you are acquainted with? A. I have mentioned three names and I don't remember any more.

Q. Why is it that you went there to the fifth district of the first ward out of your own ward to work all day if that was the extent of your acquaintance?

Mr. HIRSCHBERG.—I object to that question on the ground there is no proof; he went there to work all day and he has not said so.

By Chairman ROESCH:

Q. What was your object in going to that ward inasmuch as you did not live in it? A. I have went to that ward on several previous elections when the district was larger, before the Saxton election bill; I knew a great many of the voters that voted at that polling place; my business was in that former district.

Q. You did so to work the Republican ticket in that district? A. As far as I was able; yes, sir.

By Mr. GARDNER:

Q. You have a considerable number of employes in your factory or establishment? A. Quite a number.

Q. Many of them vote in that district? A. I don't think that more than two or three now vote in that district; the most of them vote in the seventh district.

Q. Will you state why you were there on the last election day, not on prior days but on last election day, why you were there? A. I was there to help so far as I was able the Republican ticket.

Q. In what way? A. By going to such voters as I should see whom I knew and asking them to vote.

Q. And you did that more or less all day? A. I did that in several instances.

Q. Did you direct any of those voters where to go after they had voted and see anybody? A. No, sir.

Q. Are you acquainted with James Taylor? A. Yes, sir.

Q. Are you acquainted with O'Rourke? A. I know O'Rourke.

Q. Was he a Republican worker in that district? A. I am told that he was.

Q. Don't you know that he was? A. I didn't know of it of my own knowledge; I didn't speak to him that day.

Q. You presumed he was? A. I presumed he was.

Q. A very active one, too? A. I didn't see him but once or twice during the day.

Q. Were you there during the count of the ballots? A. I was.

Q. Did you see James Taylor, the Republican worker, counting ballots? A. No, sir.

Q. Didn't he? A. I didn't see him; I was watching another inspector; I was not sitting near Mr. Taylor.

Q. Don't you know Mr. Taylor was there? A. I know he was there; he was a watcher.

Q. Didn't he handle the ballots? A. All I saw him handle, he was watching McChristen, the Democratic inspector, and McChristen had several ballots separated from the rest; they were ballots which had pasters on, and McChristen handled these ballots by separating all the straight Republican and all the straight Democrat ballots, and then by counting — laid those which had pasters on, one side, and in counting them in afterwards, and in putting his ballots down, he almost knocked the small pile that he had on one side of paster ballots off the table, and Mr. Taylor, as I remember, told him to be careful, and save them from falling; that is the only time I saw him handle the ballots.

Q. Did he have the ballots separately in his hands, Mr. Taylor?
A. No, sir; not when I saw him; he saved them from going over the edge of the table, and pushed them back, a small pile of five or six ballots, which were separated from the rest.

Q. He had them in his possession or near his hand, did he? A. Near his hand; yes.

Q. Did you observe the condition of McChristen that night? A. Not specially.

Q. Whether he was sober or drunk? A. I should say he was sober.

Q. You say you didn't notice him specially? A. I didn't notice anything peculiar about him.

Q. Did you know how he came to knock over the pile of ballots?
A. He was putting one pile down that he was counting, and his hand touched this other pile that was near the edge of the table.

Q. Didn't you remark at the time among yourselves that McChristen ought to get sober before he counted those ballots? A. I never heard McChristen's sobriety questioned that day.

Q. You have since? A. Not until I read the account.

By Mr. HIRSCHBERG

Q. Only in this petition? A. In this petition and the evidence I read at Albany last week.

Q. So far as you could see was Mr. McChristen able to transact his business there that night? A. I think he was fully able.

Q. Were other Democratic watchers there? A. Two.

Q. Was one of average intelligence? A. One above the average.

Q. Quite able to see all that was done? A. Yes, they watched very closely.

Q. Was there any irregularity of any kind that you could perceive there? A. Not that I saw there all day.

Q. Nor during the counting? A. Nor during the counting.

Q. Your opportunities for observation were as good as anyone else?
A. I sat at the table where they counted the ballots all the time, where the ballots were counted.

By Mr. GARDNER:

Q. The rooms in which the inspectors were that night opened into another room? A. The rear of that room opened in another room.

Q. In which people passed promiscuously? A. I think not; the inspectors went in there occasionally.

Q. Didn't others go in there besides the inspectors? A. I didn't see anyone but the inspectors or the poll clerks or the watchers or the constable go in there.

Q. At no time during the day? A. Except the owner of the building, Mr. Forshay, he was in there most of the day.

Q. And his family? A. I didn't see any member of his family.

By Mr. HIRSCHBERG:

Q. Was this the Forshay that ran the Democratic wagon? A. No, sir; that was another.

JOHN H. VALENTINE, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You are a resident and voter of this city? A. Yes, sir.

Q. You were the Democratic watcher in the fourth district of the first ward last fall? A. Yes, sir.

Q. Were you present at the time the ballots were counted? A. Yes, sir.

Q. Did the watchers assist the inspectors in counting the ballots in that district? A. Yes, sir.

Q. Was the result as announced and certified to based upon the count of the watchers as well as of the inspectors? A. I couldn't say; I never saw the returns.

Q. All you know is the watchers participated in counting the ballots that night? A. Yes, sir.

Q. Do you know what the majority in that district was? A. I couldn't say now.

Mr. GARDNER.—That is all.

By Mr. HIRSCHBERG:

Q. Who were the other watchers? A. I think the other Democratic watcher was Vrooman.

Q. Who were the other watchers? A. I couldn't say; I couldn't tell you what their names were.

Q. Don't know the Republicans? A. No; I know them by sight.

Q. State what they did in the way of assisting the inspectors to count? A. They simply counted the ballots.

Q. After the inspectors had counted them? A. Sometimes; and sometimes before they counted them.

Q. The inspectors counted also? A. Yes, sir.

Q. You only know about your own counting; you didn't follow the other counting? A. No; I saw they were counting.

Q. Did you count honestly and truthfully what you counted? A. I think I did.

Q. Have you any doubt about it? A. Not at all.

Q. Didn't the others so far as you know? A. I couldn't say as to that.

Q. So far as you know? A. Yes.

Q. You no nothing to the contrary? A. No.

Q. How did the watchers come to count the ballots after the inspectors? A. I don't know—it was—always had been the way they done the counting.

Q. You supposed it was your duty to count them? A. I didn't think about that at all.

Q. Did you do it for the purpose of ascertaining whether it was correct or not? A. Yes.

Q. That was the object? A. Only object.

Q. Did you find it correct? A. I don't know.

Q. What you did, did you find correct? A. Yes.

Q. When you counted after an inspector did you find that he had counted correctly? A. I couldn't state that I did in every instance.

Q. Where you found there was any error was it corrected? A. Yes.

Q. That is all there is of it? A. That is all I know about it.

Q. Is it a Democratic or Republican board? A. A Republican board.

By Mr. GARDNER:

Q. Did the Democrats have an inspector there that day? A. They had one.

Q. What was his name? A. I think it was Sansbury.

Q. Are you sure he is a Democrat? A. Supposed to be.

Q. You don't know which way he voted that day? A. No.

By Mr. HIRSCHBERG:

Q. Does he know which way you voted? A. I don't believe he does.

GEORGE SMITH, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You are a resident and voter of this city? A. I am.

Q. And of the second district of the third ward? A. Yes, sir.

Q. Were you a watcher or ballot clerk that day? A. Poll clerk.

Q. Were you present when the ballots were counted? A. I was.

Q. Did you participate in the counting of the ballots? A. I did.

Q. Did you separate the ballots into different piles and you count your pile and the others count theirs separately? A. Yes, sir.

Q. And after you had counted your piles did you announce the result to one of the board and they put it down? A. Yes, sir.

Q. And add up the amounts and declare the result? A. Yes, sir.

Q. You are not an inspector? A. No, sir.

Chairman ROESCH.—What do you claim by this witness?

Mr. GARDNER.—The statute says inspectors of election shall count the ballots and not ballot clerks.

By Mr. HIRSCHBERG:

Q. The inspectors did count them? A. Yes.

Q. This was an extra counting? A. No, sir; I counted the ballots myself and no one else counted the ballots.

Q. Did they see you count them? A. I suppose they did; they were busy counting their own also.

Q. How do you know the inspectors didn't count them? A. Because I put them in a pile where all the rest of the ballots were and no one handled them after I did.

Q. Put them where they couldn't get them? A. No.

Q. Who were the inspectors? A. Mr. Wood, Chapman and Warren.

Q. How many did you count? A. I have forgotten the exact number; something like thirty or thirty-five.

Q. Both kinds of tickets? A. Yes, sir.

Q. Count them honestly and correctly? A. I did, sir.

Q. What were the majority of them, Republican or Democrat? A. I don't remember which.

Q. Those you counted, I mean? A. I don't remember.

Q. What was the average majority in the district? A. Something between eighty-five and ninety.

Q. Republican? A. Yes, sir.

Q. Out of a total vote of what? A. I think the total vote was 252 or 253.

Q. You were a Democratic watcher? A. I was not; I was the poll clerk.

Q. You think you counted thirty-three votes that you say the inspectors didn't count? A. Something like that.

Q. They were taken indiscriminately? A. Yes, sir.

By Mr. GARDNER:

Q. The other poll clerks counted also? A. The other poll clerk did.

Q. What is his name? A. Aleck Leslie.

Q. And ballot clerks? A. No; the ballot clerks did not count.

Q. That day do you remember whether the ballot-box was opened?

A. It was.

Q. By whom? A. By Mr. Wood.

Q. An inspector? A. Yes, sir. .

Q. Under what circumstances was it opened? A. He deposited all the ballots in the ballot-box of the votes that were to be counted.

Q. Who deposited them? A. Mr. Wood under an error; he took the vote that was to be voted and tore off the stub and put it in the box for such ballots, and some one spoke to him at the time and not thinking he dropped the other three ballots in the same box.

Q. Then the box was opened and ballots taken out? A. Yes, sir.

By Chairman ROESCH:

Q. In what manner were they taken out? A. The man that voted swore he voted the Republican ticket, and they took out the other three ballots that were put in, Democratic, Prohibitionist and Labor.

Q. The voter who had just then voted was asked what ticket he had voted? A. He swore he had voted the Republican ticket.

Q. Did they swear him? A. He said he voted, and they asked him if he was willing swear to it, and he said yes, that he voted the Republican ticket.

Q. Then they swore him? A. I don't remember as to that.

Q. You are not positive that they had him take an oath before they asked him what ticket he voted? A. No.

Q. Then you are not positive when you say he stated on oath that he voted the Republican ticket? A. I remember he said, "I am willing to swear that I voted the Republican ticket."

Q. When he said he had voted the Republican ticket you say they opened the ballot box? A. Yes.

Q. And took out three ballots? A. Yes.

Q. Did they take them from the set of ballots that had been dropped into the ballot box as having been voted by that particular voter? A. The three ballots were right on top and they took them out.

Q. Those three ballots were three that you think were the Democratic, Socialist and Prohibitionist? A. Yes.

Q. Did it happen in any other case but that? A. No, sir.

Q. After that had been done the box was closed? A. Yes, sir.

Q. Locked? A. Yes, sir.

Q. The voting then proceeded? A. Yes, sir.

Q. Orderly? A. Yes, sir.

Q. No other occurrence of that kind? A. No, sir.

Q. There was a Republican inspector? A. Two Republican inspectors.

Q. One Democrat? A. Yes.

Q. Who was the Democrat? A. Mr. Chapman.

Q. Was he there? A. He was.

Q. At the time this happened? A. He was not there at the time the ballots were deposited in there but he was there when the box was opened.

Q. And the three ballots were taken out? A. Yes, sir.

Q. Was there a Democrat poll-clerk? A. I was the Democrat poll clerk.

Q. What did you say when this was done? A. I didn't have anything to say.

Q. What did the Democratic inspector say? A. The Democratic inspector said it was the only fair thing to do.

Q. There was no question made about this at all for the rest of the day? A. There was not; no, sir.

By Mr. HIRSCHBERG:

Q. The only effect of it, if it was true, was that they lost a Republican vote? A. If they hadn't taken them out he would have lost his vote.

Q. If the statement was true, the ticket he voted went in the wrong box?

Chairman ROESCH.—No.

Q. The general result of the election, was it different from prior elections in that district since it has been a separate district? A. No; I think not.

Q. Just about the average majority? A. About the same.

DEWITT C. CAMERON, being duly sworn, testified as follows:

Q. Do you reside in and vote in the third district of the third ward?
A. Yes, sir.

Q. Did you vote there at the last election? A. I did.

Q. An inspector? A. Yes, sir.

Q. Democratic inspector? A. Yes, sir.

Q. Were you present when the ballots were counted? A. I was.

Q. You assisted in the counting of them? A. I did.

Q. How did you count the ballots that night? A. We dumped the box and each inspector took a portion; divided them up among us.

Q. You put the split ballots by themselves and the straight? A. Yes; we counted the straight ballots and put them on the table by themselves and took the split ballots and put them by themselves.

Q. And divided them in three piles afterwards? A. Before we started we divided them up; each man kept his pile.

Q. Each man selected his own ballots and made his own pile? A. Yes, sir.

Q. Did you count your pile? A. Yes.

Q. And announced the result to the board? A. Yes, sir, to the chairman.

Q. After you had counted yours did you count the others? A. I did not.

Q. You certified to the result? A. I did.

Q. In that certificate you assumed that the other inspectors did their duty. A. I did.

Q. You counted the ballots correctly? A. Yes, sir.

Q. Have you any personal knowledge of it? A. I have not.

Q. All you can say as to the number of ballots that were counted correctly there that night were the ballots that were in your pile?
A. Yes, sir.

That is all.

By Mr. HIRSCHBERG:

Q. Was the result at that election about the same as at prior elections in that district? A. It was.

JOHN SANBURY, deing duly sworn testified as follows:

By Mr. GARDNER:

Q. You are a resident and voter in this city and was at the last election in the fourth district of the first ward? A. Yes, sir.

Q. You acted as inspector that day? A. Yes, sir.

Q. The other two inspectors were Republican? A. Yes, sir.

Q. You were supposed to be the Democratic inspector? A. Yes, sir.

Q. To represent the Democratic party in the board? A. Yes, sir.

Q. That is the district in which Mr. Valentine was a watcher? A. He was there; I don't know whether he was a watcher or not.

Q. He votes in that district and was a watcher? A. Yes, sir.

Q. Where he counted the votes? A. Not to my knowledge.

Q. Will you swear he didn't count the votes that night? A. Not to my knowledge did he count any votes.

Q. That day did you vote for Lamont or Richardson?

Mr. HIRSCHBERG.—I object to that.

Mr. GARDNER.—We have a right to a representative in the board.

Mr. HIRSCHBERG.—You have not the right to secure the votes of even the Democrat inspectors by law and I am not surprised it was difficult to obtain it.

Chairman ROESCH.—I think they are entitled to know whether the witness is a Democrat as bearing upon questions they may raise in

regard to the accuracy of the count or correctness of the result as declared, or possible conspiracy upon his part with his coinspectors.

MR. HIRSCHBERG.—I don't know what the test is of true Democracy ; I am very certain it isn't the voting for Lamont.

Chairman ROESCH.—I don't know as that is just proper as part of this case, he couldn't have been appointed ; I don't know, of course, how the matter is done up here, but we certainly wouldn't appoint a man as a Democrat in New York county unless he pledged himself that he had supported the Democratic state ticket at the last election, and it was his intention to support the Democratic state ticket at the coming election at which he intended to act as ballot clerk, poll clerk or inspector. We wouldn't appoint a man unless he would give us that pledge.

MR. HIRSCHBERG.—It would seem like a very hard rule if a Republican was elected should lose his seat because certain persons who were Democrats voted for him.

MR. GARDNER.—We are not insisting on that.

MR. HIRSCHBERG.—The committee rules against the objection.

Chairman ROESCH.—I don't do that. I think they have a right to ask this witness whether he was a Democrat or Republican ; I don't know as they have a right to ask the witness whether he did or did not vote for any particular candidate.

MR. HIRSCHBERG.—Is there any claim Mr. Lamont suffered in that district or run behind any more than he did in any other part of the city. My recollection is the voting in this city for Mr. Richardson was not more than fifty in excess of the vote for Fassett.

MR. GARDNER.—That is an immaterial question ; what we do claim is this question is preliminary one to future important ones.

By Chairman ROESCH :

Q. You were an inspector ? A. Yes, sir.

Q. To what party were you attached ? A. The Democratic party.

Q. You went into that board of inspectors as a Democrat ? A. Yes, sir.

Q. With your intention of doing your duty under the law and aiding, as far as you could lawfully, the election of the Democratic candidates ? A. Yes, sir.

By Mr. HIRSCHBERG :

Q. What was the majority in that district for Mr. Richardson and Mr. Fassett ? A. In asking the chairman of the committee to-day, he finds the slip of paper that we figured the returns on [presenting same].

Mr. GARDNER.—The majority is 102 in that district for Richardson and eighty-six for governor.

By Chairman ROESCH:

Q. This is the district about which we are talking? A. Yes, sir.

Q. You say Richardson's plurality was 102; testify as far as that paper will help your memory to what the figures were; how many votes were cast in all in that district? A. Three hundred and seven.

Q. How many did Richardson get? A. Richardson received on the straight vote 148; forty-nine on the split, making a total of 197.

Q. How many votes for Lamont? A. Seventy-nine straight votes, sixteen splits.

Q. That makes a total of how much? A. Ninety-five.

Q. You say then Richardson received 102 votes more in that district than Lamont, is that right? A. Yes.

By Mr. GARDNER:

Q. In your returns you didn't return that there were any split tickets, did you?

Mr. HIRSCHBERG.—The returns state for themselves on that subject.

The WITNESS.—I suppose the ballot clerks returned all tickets.

Q. Did you return any split tickets? A. Return them to where?

Q. Attach them to the return and give them to the supervisor and a duplicate filed with the county clerk? A. All those tickets?

Q. Yes; the question is, did you attach any of those split tickets to the return which you gave to the supervisor and the county clerk?

Chairman ROESCH.—Won't the return show that?

Mr. HIRSCHBERG.—The county clerk has been in Albany two days with these returns.

Mr. DIMMICK.—And will be here to-morrow.

Chairman ROESCH.—I think the returns had better be shown; they will speak for themselves. If you find official returns to which split tickets are not attached, that, for the purpose of your case, shows to the satisfaction of the committee, until it be answered by the other side that there were no split tickets returned, you certainly need not explain that.

By Chairman ROESCH:

Q. When you say there were so many straight tickets for Richardson, you mean that there were so many tickets upon which Richardson's name was printed of the Republican party, is that right? A. No scratches on that ticket.

Q. When you speak of straight tickets, you have in your mind the possibility of there being a Republican ballot upon which Richardson's

name was printed, but upon which the name of some other candidate was scratched, that would still be a straight ticket as to Richardson? A. No.

Q. Then a straight ticket was what kind of a ticket? A. A ticket that wasn't scratched at all.

Q. Neither as to Richardson or any other name? A. Yes.

Q. When you speak of the split tickets you mean the number of tickets which were not straight for candidates and which among other candidates names that were scratched also contained Richardson's name, is that right? A. Yes, sir.

Q. Does it necessarily follow then that a split ticket for Richardson, meant a Democratic vote for Lamont? A. If a ticket was marked Richardson and Lamont's name was scratched out that would count Richardson, of course.

Q. If the name Richardson was written over the name Lamont of course you counted that for Richardson and counted it as a split ticket? A. Yes, sir.

Q. That was a Democratic voter voting for Richardson? A. Yes.

Q. You might have Richardson's name over the name of the Socialist candidate for Senate might you not, the Labor ticket or the Prohibitionist? A. Yes, sir.

By Mr. GARDNER:

Q. You voted for Richardson that day, didn't you? A. If that is necessary I should answer it I will answer it.

Chairman ROESCH.—I think you had better answer it. A. No.

Q. Did you vote for Lamont? A. Certainly I did.

Chairman ROESCH.—If you hadn't answered it the Democrats might have supposed you did vote for Richardson.

Mr. GARDNER.—Their belief isn't changed yet.

Mr. HIRSCHBERG.—There are Democrats that voted for Lamont.

Chairman ROESCH.—There were Republicans voted for me in my district, and I am prouder of a Republican voting for me than I am of a Democrat because a Democrat will naturally vote for his party, while a Republican who would vote for a Democrat candidate displays considerable independence of judgment.

Mr. HIRSCHBERG.—And sometimes, as in this case, displays very good taste.

By Mr. GARDNER:

Q. You helped count the votes that night as an inspector? A. I certainly did.

Q. Did you count by piles, each inspector have a separate pile?
A. No, sir.

Q. Will you explain the system of counting ballots there?

By Chairman ROESCH:

Q. Most of the testimony then to-night relates to this one district?

Mr. GARDNER.—We have covered others.

Chairman ROESCH.—The bulk of the testimony on the part of the last few witnesses have been in reference to this one district.

Mr. GARDNER.—Three witnesses as to the manner of counting.

By Chairman ROESCH:

Q. Tell us how you counted? A. The chairman opened the ballot-box and counted the votes; we counted up first how many voters had voted; then we see that they tallied, the voters and the person—

Q. (Interrupting.) Had you ever acted as an inspector before?
A. Yes.

Q. At the last election did you count the ballots in the same general manner that you had at previous elections? A. Yes, sir.

By Mr. GARDNER:

Q. Isn't it a fact that in counting ballots that night that you counted your pile separately from the others? A. No, sir; it was counted first by the chairman and then handed to me.

Q. And you counted after him? A. Yes, sir.

Q. Every ballot? A. Yes, sir; every ballot; that is, each ballot that had been voted.

Q. Will you swear that nobody but the inspectors counted ballots there that night? A. After we had counted the total then we separated them in piles, splits and straights, with the clerks.

Q. After you had separated them, then you counted the piles separately, didn't you? A. After they were first counted.

Q. After they were first counted to see whether they tallied with the poll-list, then you separated them into piles and counted them?
A. Not into piles, but two piles, to the best of my knowledge.

Chairman ROESCH.—What is the object of all this? Do you want to direct the committee's attention to any particular point? If you want to claim there was an erroneous count in that particular district, falsified statement or anything of that kind, I want to have you make it plain.

Mr. GARDNER.—In the first place, in the return that is made to the county clerk in this district it appears that, according to the certificate of the inspectors, there is a deficiency or discrepancy of sixty-eight

ballots as certified to; that is to say, that the law requires the inspector to certify fully the number of ballots of each kind which were voted and counted in that district.

Chairman ROESCH.—Why should you go into that; why is that any part of your case; that is, I mean an explanation of that? If that is the condition of the return, don't you make out your case by producing that return?

Mr. GARDNER.—I didn't know what view the chair might take of it; after you have intimated the views which the committee takes of it—

Chairman ROESCH.—If there is any return in existence which you claim upon its face to be erroneous or false, or illegal, or not in accordance with any of the provisions of the law, it seems to me only as a proposition of proof as it would in any other case, that the production and exhibition of that return upon which you claim there is that mistake, would of itself show, exhibit the mistake, and would throw the burden on the other side of rectifying, if there be any such condition of the return.

Mr. GARDNER.—I have stated the exact condition; and if the chair believes that is the order of proof, I won't ask the witness on that point any more.

By Chairman ROESCH:

Q. You had acted as inspector at other elections in this very district? A. Yes, sir.

Q. The district was Republican? A. Yes, sir.

Q. Always has been Republican? A. Yes, sir.

Q. Does the vote for Senate, or for any other office which was voted for at the last election in that district show any unnatural increase of Republican votes? A. No, sir.

Q. Was there any question made by you, as a Democratic inspector, or by any citizen in the poll at that time, or in any way, as to the correctness of the result as announced? A. No, sir.

Q. Or of the result as certified by the inspectors? A. No, sir.

Q. You assisted in the counting of the votes? A. Yes, sir.

Q. And signed the return, did you? A. Yes, sir.

Q. You believe that you truthfully stated the number of votes cast for the different candidates? A. Yes, sir.

Q. Have you any reason to-day for being of a different opinion? A. No, sir.

By Mr. DIMMICK:

Q. This was a new district? A. Yes, sir; this is what they call Washington Heights.

By Mr. GARDNER:

Q. You were called upon before this investigation to explain the apparent discrepancy in the return by me, and didn't you refuse to talk about it except in the presence of the Republican inspector, Topping? A. No.

Q. Didn't you say to me "I refuse to have any conversation with you on this subject except in the presence of Topping? A. No, I didn't.

Q. What did you say? A. We both went to your office together to find out what the mistake was.

By Chairman ROESCH:

Q. This was the fourth election district of the first ward? A. Yes, sir.

Q. Do you recall how many ballots were attached to the return; do you recall how many votes were cast? A. Three hundred and seven, total.

Q. You say there were for Lamont seventy-nine straight? A. Yes, sir.

Q. And for Richardson there were how many straight? A. I think it was 148.

Q. If you returned 148 straight, you say you also returned forty-seven split? A. Yes, sir.

Q. Upon what return did you mention that there were forty-seven split? A. Return of what?

Q. The return signed by you to the county clerk or to the supervisor? A. I don't understand.

Q. Did any return that you mention show a shortage of sixty-eight ballots? A. No, sir; not that I know of.

Q. Was there any shortage of ballots? A. No, sir.

Q. When they left your hands? A. No, sir; when they left our hands they were all right.

Q. Was there any statement of the number of split tickets upon the return? A. I suppose there was; I don't exactly remember.

Q. Did you make a remark on election day at the close of the polls as you were counting the ballots in reference to split tickets? A. No, sir.

Q. Did you say "split tickets be damned?" A. No, sir.

Q. Did you ever hear anybody say that? A. No, sir.

Q. Did you say that a short time ago to Mr. Gardner in his office? A. No, sir; not that I know of.

Q. In the presence of Mr. Topping? A. No, sir.

Q. Was he with you? A. Yes, sir.

Q. Did he say it? A. Not as I know of he didn't say it.

Q. If the returns were to show that sixty-eight tickets are not accounted for, what explanation would you make or what would your answer be to such a statement? A. They certainly must have them; they went to Goshen the next morning.

Q. All the ballots that were received by the ballot clerks you say were returned? A. Yes, sir.

Q. You don't know that, do you? A. I suppose so; the ballot clerk is supposed to take them.

Q. Was there a proclamation made by the chairman of the number of votes cast for each candidate; was there a public statement made? A. Yes, sir.

Q. Do you recall how many votes were said to have been cast for Richardson? A. How do you mean?

Q. Do you recall how many votes were said by the chairman of the board of inspectors to have been cast for Richardson? A. No; I don't exactly remember, except we found this paper to-day, an old piece of paper that he had over to his office that had the returns on it.

Q. Brought to whose office? A. To the chairman of the board, Topping, it was in his office, he had brought it that night in his office just what they had figured on.

Q. The piece of paper that you have shown me here, is that a copy of it? A. I copied it off of that this afternoon I seen him.

Chairman ROESCH.—You claim there are sixty-eight ballots not accounted for in this one election district?

Mr. GARDNER.—Yes.

Chairman ROESCH.—You made this up from what paper?

Mr. WASHBURN.—From the official returns.

Chairman ROESCH.—You don't mean there were 239 ballots attached?

Mr. WASHBURN.—In the attached ballot each sample ballot or each ballot as attached showed how many ballots of that kind were voted.

Chairman ROESCH.—Each one showed there were 239 ballots cast.

Mr. WASHBURN.—No, sir. Straight Democratic ballot attached; seventy nine ballots of this kind were voted, and the straight Republican ballot 148, straight Prohibitionist seven, straight Labor five. Those ballots are the only ballots attached to that return, so that the total number of ballots voted at that period as shown by the number of ballots attached was 239, while the statement for Governor shows there were 307.

Mr. GARDNER.—That there were sixty-seven ballots that we can't

tell whether they were legal or illegal under the Court of Appeals, whether they were for Lamont or Richardson or what form they were.

Chairman ROESCH.— I would like to see that official return.

By Mr. HIRSCHBERG:

Q. Did Mr. Lamont receive credit on your return for every vote that was cast for him? A. Yes, sir.

By Mr. GARDNER:

Q. If the watchers counted the ballots that night are you able to state then that you certified all the votes that Mr. Lamont received? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. If they counted it was in addition to yours? A. I counted second; the chairman counted first.

Q. It verified the truth of that count? A. Yes, sir.

By Mr. WASHBURN:

Q. Did you count and examine all of the straight Republican tickets? A. Yes, sir.

Q. After the other inspectors had examined them you examined each and every one of them? A. Yes, sir.

Chairman ROESCH.— The committee stands adjourned until to-morrow morning at nine o'clock.

SATURDAY, *February 6, 1892* — 9 A. M.

ALEXANDER A. DARROW, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You voted in the first district of the fourth ward last fall? A. Yes, sir.

Q. Were you present at the polls during the election? A. Yes, sir.

Q. Did you observe the electioneering by Republican workers within the poll limits? A. No, sir.

Q. Was any electioneering at all going on that day? A. No.

Q. What was your business there that day? A. Inspector of election.

Q. Were the boxes during the day opened? A. One of them.

Q. At what time of the day? A. Before dinner.

Q. Were you a Democratic or Republican inspector? A. I am a Democrat.

Q. Did you see Samuel Hilton around there that day? A. Yes, sir.

Q. What did you see him doing? A. He was around as a watcher.

Q. Was he outside any? A. Yes.

Q. What was he doing outside? A. I don't know what he was doing outside.

Q. Why was this box opened? A. There were three tickets put in that hadn't ought to be in it.

Q. Who opened the box? A. I did.

Q. Who put the tickets in that should not have been put in? A. Jacob Lewis.

Q. Is he a Democrat or Republican? A. Supposed to be a Republican; he was elected on the Republican ticket.

Q. Will you explain why it was that you opened it? Certainly; Mr. Chrystal came in and voted; I took the ticket he said he wanted to vote and put it in the official box; Mr. Lewis took the three he didn't want to vote, tore off the stubs of them and carelessly stuck them down in the official box. Mr. Chrystal made a remark "I didn't want to vote them all," and they stuck in the slot and we opened the box, lifted out the three and handed them back to Mr. Chrystal and asked him if those were the three he didn't want to vote and he said yes, and we put them in the waste basket.

Q. You took his word for it, those were the ones he didn't want to vote? A. Yes.

Q. They might have been somebody else's ballots? A. Couldn't have, I don't think; they weren't all the way; they were just in the slot.

Q. Standing up? A. Standing up.

Q. Is that the way ballots do when they are deposited in the box? A. Yes; they do oftentimes; if they are not in the bottom it is hard work to push them down without you shake the box.

Q. Do you know two voters by the name of Gable and Parkson in that district? A. Hezekiah Parkson, I think.

Q. Do you know him personally? A. Yes.

Q. Did he vote there that day? A. I am not sure about that.

By Mr. HIRSCHBERG:

Q. Where are the polls that you refer to? A. Chapman House on South street, on the north side.

Mr. HIRSCHBERG.—That was the poll that was referred to last night that there was some doubt as to whether the board was Democrat or Republican.

Mr. GARDNER.—No.

Q. This board of registry that occupied the house of the Chapman

Hose company last fall, is it a Republican or Democratic board?
A. Democrat.

Q. You are positive there was nothing wrong done in this opening of the box? A. Certainly.

Q. No the proper vote was taken out? A. No.

Q. And the result as declared and ascertained by the board was correct? A. Yes, sir.

BENJAMIN B. ODELL, JR., being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live in this city? A. I do.

Q. Have for some years? A. All my life.

Q. A member of the Republican State committee? Yes, sir.

Q. And were last fall? A. Yes, sir.

Q. For many years you have been active in the support of the Republican ticket and party? A. I have been a Republican all my life; yes, sir.

Q. In what district did you vote last fall? A. I vote in the second district of the third ward.

Q. During the day at what polls were you mostly engaged in the city? A. All over; the sixth district of the first ward I was in most of the day.

Q. That district a large Republican majority? A. Gave a Republican majority.

Q. Of how much? A. Twenty odd, I should think.

Q. You were in the fifth district of the first ward considerable that day? A. No more there than in other districts; I went around the city.

Q. Most of the day you were engaged between the fifth and sixth district? A. No more there than other places.

Q. You heard John Smith testify last evening? A. Yes, sir.

Q. You were in and around the polls of the fifth district of the first ward during the day where they were voting? A. I was in there, yes, sir; I was a watcher at the close of the polls there in the sixth district, not in the fifth.

Q. You know Samuel Hilton of this city? A. Yes, sir.

Q. Know him for some years? A. Yes, sir.

Q. He is a Republican worker in the fourth ward? A. Chairman of the ward committee.

Q. And has been for some years? A. Yes.

Q. He was working for the Republican party in that ward at the last election? A. Yes, sir.

Q. Did you see Mr. Hilton that day? A. I think that was one of the districts I didn't visit; I don't think I saw him.

Q. How long prior to election day did you see Mr. Hilton? A. A day or two.

Q. Where was it that you last saw him? A. I couldn't tell you whether it was in my office or in the Republican club-room.

Q. You saw him in your office a day or two before election, didn't you? A. I don't know; I wouldn't be positive that I did.

Q. What is the best of your belief on that subject? A. Perhaps I may.

Q. What is the best of your belief? A. That is as far as I will go perhaps; I may have seen him there; you needn't ask me any more questions because I won't swear any different.

Q. What makes you think you may have seen him there? A. My common sense perhaps.

Q. Then you have no memory on the subject? A. Not when I have been seeing a considerable number of people as I am in the habit of doing every day.

Q. You were pretty busy a day or two before election? A. No more so than any other time in my life; I am a busy man at all times.

Q. Don't you know it to be a fact that you saw Mr. Hilton at your office two days before election? A. I have answered it.

Q. Was he there three days before election? A. I say I may have seen him a day or two before election; it may have been three.

Q. Will you state what was the object of his visits to your place?

Mr. HIRSCHBERG.—I object to that question as entirely immaterial.

Mr. GARDNER.—I wish to follow it up by inquiries which will develop the importance of these inquiries as well as the immateriality of it. The question at issue in this contest is the use of funds of money for election purposes corruptly, and I am leading up to the point.

Mr. HIRSCHBERG.—That is the end to begin at; a man is supposed to contest when he knows something; this contest has developed the fact on the third reading that it is entirely fishing; Mr. Lamont has not heard or does not know a thing throughout this entire district which would justify him in making a contest in the slightest degree, and that fact is developed.

Chairman ROESCH.—That is perhaps summing up.

Mr. HIRSCHBERG.—It is the result so far.

Chairman ROESCH.—This question is as to what the object was that Mr. Hilton had in calling upon Mr. Odell at his place of business; I will allow the question.

Q. What was your object? A. I suppose it was to talk over the political situation and make necessary arrangements.

Q. What arrangements to be made? A. Carriages, providing for workers, and the checkers and all the details of a political campaign.

Q. Did you make arrangements at that time to pay to Mr. Hilton any money for those election expenses? A. I believe I did; yes.

Q. Was that the last conference you had with him on the subject? A. Yes, sir.

Q. Do you remember how much you arranged for him to take? A. No, sir; I do not.

Q. The amount which you did arrange for him to take, was it given to him then and there or at a subsequent time? A. I presume it was given to him then and there.

Q. You have no memory as to the amount? A. I have an idea but no memory.

Q. Was it handed to him in a package? A. I couldn't tell you that.

Q. The money? A. I presume it was handed to him in that way.

Q. Was it counted by you? A. May have been; may not.

Q. Is it likely you would hand him money without knowing how much you gave to him? A. It isn't likely; no; still I don't charge my mind with it.

Q. Why is it you wish to say you don't know whether you counted it or not? A. Because I don't.

Q. Nor you are not able to state approximately how much it was you gave to him? A. Oh, I suppose I could say approximately.

Q. You keep a bank account or did at that time? A. Yes.

Q. With the Highland bank of this city? A. No, sir.

Q. With what bank?

Mr. HIRSCHBERG.—I object to that as immaterial.

Mr. GARDNER.—I propose to follow it up by inquiries from the bank.

Mr. HIRSCHBERG.—I suppose so.

By Chairman ROESCH:

Q. You say you could say approximately? A. Yes, I could say approximately.

Q. Approximately how much did you give him? A. I should say fifty or sixty dollars.

By Mr. GARDNER:

Q. Will you swear you didn't give him more than fifty or sixty dollars? A. I think I could safely do that.

Q. At any time? A. At any time.

Q. During the last election? A. During the last election.

Q. Did you have a conference with John Smith at your office? A. No, sir.

Q. You did at your house the morning of election? A. No, sir.

Q. The witness who was sworn last evening? A. I know who you mean.

Q. Did you see him at all on election day? A. Yes.

Q. Where? A. At the district; he was watcher at the fifth district.

Q. Didn't he take breakfast with you? A. Yes.

Q. You saw him in the morning then? A. Oh, yes.

Q. At what place? A. At my house.

Q. Did you give him anything for election expenses? A. Not a cent.

Q. Promise to give him anything? A. No, sir.

Q. Give him anything after election? A. No, sir.

Q. You are acquainted with one McGifford of this city? A. Yes, sir.

Q. James McGifford? A. Yes.

Q. He is a Republican worker? A. Chairman of the first ward committee.

Q. Did you have a conference with him at your office before election? A. Yes.

Q. How long before? A. A day or two.

Q. Who was there when he was there? A. No one was in the room but he and I.

Q. Was it in the day time? A. No, sir; in broad daylight.

Q. What room was it you and he were together in? A. In my private office.

Q. Did you arrange with him for expenses of election? A. Yes, sir.

Q. How much did you pay him? A. Something in the neighborhood of \$100.

Q. What was he to do with the hundred dollars which you paid him? A. He was to provide carriages for a few of the districts and workers.

Q. What districts were they that he was to provide carriages for? A. The first, second, third and fourth districts of the first ward.

Q. Was he to do anything else with this money except to provide carriages? A. That is all and to provide the workers, checkers, etc.

Q. The workers in what district? A. Those districts.

Q. Will you mention what workers they were? A. I left those details to him; I don't know anything about it.

Q. Wasn't one man by the name of Rourke? A. I think not.

Q. Did he afterwards make an account to you of the money? A. No, sir; I trust my people when I give them money.

Q. Have you had any conversation with him since? A. Not a word on that matter; I have had conversation with him in reference to primaries.

Q. On the subject of that election? A. Not a word.

Q. To account for the money he received? A. Only to congratulate him upon the result.

Q. Isn't it a fact that you received a fund from the State committee to be used in this district? A. That question I decline to answer for the reason that I don't think I have any right to give away any campaign secrets that belong to the State committee.

Q. I insist that the question is pertinent? A. I don't believe the Democratic State committee would want their members to divulge their secrets.

Mr. GARDNER.—We claim there was over \$10,000 in this city in the hands of Mr. Odell and we wish to call upon Mr. Odell in fairness both to himself as well as his party and the candidates interested in this election to account for the disposition of that money, and by the proof of the fact of the amount he received, that it was received for election purposes; I wish to follow the inquiry up as to what disposition was made of this fund.

Mr. ODELL.—You are assuming I had a fund.

Mr. HIRSCHBERG.—That was done once in this district and it created a great deal of scandal. Mr. Lamont circulated a printed letter in which he showed how all the money he got was spent; how much he put in each district.

Mr. GARDNER.—What has this to do with this case? I don't think the question of any past election is at issue here.

Mr. HIRSCHBERG.—I want to tell these parties now that it will be incumbent on us to inquire what was done with the money that was furnished to Mr. Lamont last fall.

Mr. GARDNER.—We challenge that inquiry if the court please; we court that inquiry.

Mr. HIRSCHBERG.—There are leading Democrats who are asking what was done with it and who are charging that instead of using the money to be elected he saved it for this contest.

Mr. GARDNER.—This is traveling outside of the question.

Chairman ROESCH.—It must be funny Democrats that put the inquiry what was done with the money in the hands of Republicans; you intimate leading Democrats want to find out what Republicans did with the money.

Mr. HIRSCHBERG.—I do that very thing.

Chairman ROESCH.—The Chair does not see what the answer to that question can be of any incriminating effect upon the witness. The mere fact that he received money from the State committee to use in the district does not bring with it any crime unless the witness choses to say he got it to be used for corrupt purposes.

Mr. HIRSCHBERG.—It isn't for that.

Chairman ROESCH.—The law does not forbid the use of money at election except for corrupt purposes.

Mr. HIRSCHBERG.—That isn't the ground of objection. It is that he has no right to disclose the secrets of the Republican State committee.

Chairman ROESCH.—The Chair is of the opinion that he should answer. The Chair directs the witness to answer.

Q. (Question repeated.) A. Yes, sir.

Q. Will you state the amount? A. No, sir.

Q. The amount which you did receive did you deposit it with the National Bank of Newburgh, or any part thereof? A. You can find that out, perhaps, in the bank.

Q. I am asking you; did you? A. I suppose I must if it came in a check; I must have deposited it in the bank.

Q. Did it come in the form of a check? A. They usually do.

Q. Did it last fall? A. I presume it did.

Q. By whom was the check signed? A. I don't know; I suppose the treasurer.

Q. Will you state the amount of the check? A. You state it ten thousand dollars.

Q. Will you state it? A. I will tell you it wasn't that.

Q. Will you state the amount? A. I had the money for three counties; Orange, Rockland and Sullivan, and I received from the State committee the sum of \$1,500, I think, for the three counties.

Q. For all three? A. For the three counties, if my memory serves me, it was \$1,500⁴; not to exceed \$2,000.

Q. That was the check that you are referring to? A. Yes.

Q. That isn't all that you received, is it? A. That was the bulk of it, yes.

Q. It wasn't all, was it? A. I don't suppose it was; no; I suppose the candidates contributed some.

Q. Mr. Richardson contributed some, didn't he? A. I suppose he did.

Q. That isn't all that you received from the State committee, is it? A. When I swear that I say it was not to exceed \$2,000, I don't want you to intimate that I would perjure myself.

Q. I don't want to. A. That is what you are doing when I say it is \$2,000; I mean it is \$2,000; that is all I received from the State committee.

Q. You received no other funds from the state committee than that check? A. Not a fund.

Q. I am not intimating? A. Yes you are; you treat me decently; that is what I want to do; you can't brow-beat me.

Q. How long before election were you in New York.

Mr. HIRSCHBERG.—That I object to as immaterial; there certainly must be some limit to the inquiry; that is their own witness and they ought to be guided by some rules, at least, of decency, if not of law; I think they have transgressed both.

Mr. GARDNER.—If it is a transgression of law to show the use of funds for election purposes, then what kind of a country have we, Judge Hirschberg?

Chairman ROESCH.—I don't see the present object.

A. I might intimate in all my experience in politics I never saw so much money used by the Democratic party as there was in this last election.

By Chairman ROESCH:

Q. Were you in New York shortly before election? A. Yes, I was in there every day or two.

Q. Frequently go to New York? A. Yes; sometimes on business sometimes on politics.

By Mr. GARDNER:

Q. You had a conference with the State committee a day or two before election? A. No, sir.

Q. Some members of the State committee? A. No, sir.

Q. You were present at some of the meetings of the Sherman Club of this city? A. Yes, sir, I was; I would like to explain it too; I will give you all that you want.

By Chairman ROESCH:

Q. Do you know Fred Hermon? A. Yes, sir.

Q. He called on you before election? A. I sent for him.

Q. Did you see him in your office? A. Yes, sir.

Q. You gave him some money on that occasion? A. Yes, sir.

Q. Do you recall about how much? A. No, I do not; it was a small amount though.

Q. What instructions, if any, did you give to him at the time as to

the use of that money? A. To see that the polls were properly equipped for the successful working of the ticket.

Q. Did you say anything to him about carriage hire? A. I left that with him; yes, sir.

Q. Did you yourself say to him to hire carriages? A. Yes, sir; I will state in this way, that in calling the different district leaders or election captains, it was the general understanding that all the expenses for that particular district were to be left in their charge and money furnished to them to pay all those charges.

Q. Then you didn't particularly itemize the charges? A. No; not at all.

Q. Or the matters for which he could expend money? Oh, no; he was at liberty to use his own judgment.

Q. You had selected him to have charge of some district? A. One district.

Q. You left the management of that district in his hands? A. Yes, sir.

Q. Held him responsible for the working for the Republican party? A. Yes.

Q. And gave him a sum of money which he was to use in his best judgment? A. Yes, sir; in a legitimate way.

Q. You said nothing to him about carriage hire specially? A. I wouldn't say that I did or did not; but my opinion is that I did.

Q. Did he show you a list of the voters? A. I had all those things in my own possession.

Q. You provided for those anyway as part of the machinery of running the district? A. I had a canvass of every district in my possession and it was as well known to me as my a b c.

Q. Did Hermon render any account to you at any time of the amount expended by him? A. No, sir; I never called for that.

Q. You were here last night? A. Yes, sir.

Q. Did you hear him testify that he had about fifty or sixty dollars left? A. No.

Mr. HIRSCHBERG.—I think the chair was mistaken in that.

Q. He might have had about fifty dollars? A. Yes.

Q. Does that enable you to say as to how much money you did give him? A. Only in a general sort of a way in going over the districts I found that some would require more money than others and he may perhaps have had an extra allowance that some other districts didn't have; I kept no account.

Q. Tell us about the Sherman Club; you went there one night and addressed the meeting? A. Yes, sir; I went there in response to the

request of the Sherman Club; I will say by way of preface, that this statement that I was waited upon by any committee of the Sherman club with a demand for \$1,500 or any sum of money, was all bosh; there wasn't anything of the kind; the night previous to election, the Sherman Club held a meeting and I was notified to come there; I went down there with Aleck Withers, who was one of my friends and also a leading worker in the city, and the meeting was organized, and when I got in there they were jangling about some members of the Flower club being there.

Q. That was the Democrat club? A. Yes, sir; Democratic club organization; I interrupted them, and asked them what they were grumbling about; they said some of these people from the Flower Club came in there to spy and carry the news; I said, the best thing to do with them gentlemen, is to fire them out, and they did, and I got up and spoke to them, and there wasn't the first word mentioned in reference to any money, and I suppose I talked to them for half an hour; I addressed them on the leading topics of the day, the tariff, and waved the bloody shirt, etc., and pledged them all to support the Republican ticket, and they all pledged themselves to do it, and I excused myself, and left; that is all there is about my being with the Sherman Club.

Q. Didn't you address them more than once? A. No, sir; I addressed them last spring, a year ago, when I got them to organize.

Q. You say Mr. Withers was there with you? A. Yes, sir.

Q. When he left did you leave? A. He did.

Q. Who was it that asked you to go there? A. I think the president or treasurer, I don't know who; it was some one.

By Chairman ROESCH:

Q. Do you know who the president is of the club? A. Yes; Frank Arnold.

Q. Who is the treasurer? A. William Dawson.

Q. Where does the club meet? A. One hundred Water street, in the rooms of the Republican organization of the city.

Q. They meet in the rooms of the Republican organization. A. Yes.

Q. The Republican organization of the city hire those rooms? A. Yes, sir; they are open for any Republican purpose; last night we held our city convention there.

Q. They are the regular headquarters of the Republican organization? A. Of what we call the machine.

Q. Who did you say the treasurer is? A. Mr. Dawson.

Q. How long has the club been in existence? A. About a year.

Q. How many members in the club? A. I don't know only in a general sort of a way; I should judge there was 130 of them?

Q. Have you seen their membership rolls? A. No; I never saw that; yes; I have, too.

Q. Did you see their membership roll the night before election? A. No, sir.

Q. When was it that you saw it? A. Shortly after its organization, a year ago, and reports were made to me that they had so many new members added at such a meeting.

Q. How often did the club meet? A. They meet four or five times in the course of a year.

Q. They meet specially around election? A. Yes.

Q. They are a political organization? A. Oh, yes.

Q. They have no other existence than in these rooms? A. That is all.

Q. Have they any furniture of their own? A. Not that I know of.

Q. Do they pay any rent for those rooms? A. No, sir.

Q. Was there a donation made by the Republican organization to the William T. Sherman Club of the sum of \$600? A. I don't remember the exact amount; there was a donation made to them and donation made to the Republican City Club Association.

Q. Do you know how many members there were in the Sherman Club at the time of the donation? A. No, sir; I do not.

Q. Did you assure yourself in any wise as to the membership of the club before the donation was made? A. No, sir; never looked at the roll after its organization.

Q. Did you make the donation out of the funds that were given to you as you have testified, or out of the general funds for the purposes of the campaign? A. Out of the general funds.

Q. Do you now know how much it was you donated to the club? A. Well it was between five and six hundred dollars I should think.

Q. There has been some testimony before the committee that several parties were paid, sometimes varying from three dollars to five dollars and forty-five cents, out of the fund donated by the Republican organization; do you wish to make any explanation in reference to that testimony? A. I don't know of any that can be made; if they divided up their money that way it was their own business; and the Republican Club of the city, at which time I made a donation of some three or four hundred dollars, instead of being divided up among the members, was used to pay outstanding bills.

Q. Did you pay the donation yourself to the Sherman Club? A. No, sir; I didn't hand it to them.

Q. Do you know who did? A. I think I do; yes.

Q. Who handed it over? A. I couldn't say, to tell you positively, who did.

Q. To whom was it paid? A. I would have to answer that in the same way; I presume it was paid to the treasurer.

Q. Have you any positive knowledge or information on that point? A. Nothing, only that I presume it was paid there; that is all.

Q. Do you know, or have you been told at any time, by whom the money was divided among the members of the club? A. No; not at all.

Q. Do you know what conditions there were as to who should receive the money? A. No, sir; there were no conditions at all; that donation was made to the club as a club, and there were no conditions made as to whether they should vote the Republican ticket or Democratic ticket; I supposed they were a Republican club and were entitled to funds.

Q. You wouldn't give them a donation to vote the Democratic ticket? A. I wouldn't give a donation to a Democratic club.

Q. Can you account in any way for the receipt by some of the members of the Sherman Club of the odd amount of five dollars and forty-five cents? A. No.

By Mr. GARDNER:

Q. Didn't you have some conversation with the treasurer, Dawson, before election with relation to the donation that was to be given? A. No, sir.

Q. Did you afterward? A. No.

Q. Did you have any conversation with Alsdorf? A. Yes; I had a conversation with him, telling him I would like to have the boys be out and vote early and straight.

Q. You said that to Alsdorf? A. Yes.

By Chairman ROESCH:

Q. Did you tell him to vote often? A. No, sir; we don't do things that way up here.

By Mr. GARDNER:

Q. To whom did you hand the money; you said you paid it out of the general fund; to whom did you hand it that went to the Sherman Club? A. I told you I don't remember that; you seem to think that all I have got to do when we are managing three or four counties here in an election, that every little detail I am going to fasten on my mind; I dismiss them as fast as I am through with them.

Q. Here is an account, according to your statement that is nearly equal to half of what you received; that isn't a small detail? A. I am used to handling something like a million and a half a year, and \$600 don't amount to much to me.

Q. Do you wish to be understood that you handled so much at that time, that that is a small detail? A. No; if I had a million and a half I would have been more liberal in the election.

Q. Don't you know who you handed that donation to the Sherman Club? A. I presume to the treasurer.

Q. To whom did you give the money to give to the treasurer? A. I suppose to some of the numerous satellites or clerks.

Q. You have a numerous class of satellites? A. No; I told you that some of the numerous satellites or my clerks may have handed this, which one it was I don't know.

By Chairman ROESCH:

Q. You didn't get a receipt for that money? A. No.

Q. Did you ask for any? A. No, I didn't want it.

By Mr. GARDNER:

Q. How did you come to make this donation; did they ask you to make it? A. No, sir.

Q. Was it your own proposition? A. Yes; I had so much money I didn't know what to do with it.

By Chairman ROESCH:

Q. Did they tell you the times were hard and they needed some coal? A. No; there was nothing of that kind.

Q. Some of them testified that coal was handy in cold weather and they got the money to help the poor people out in hard times; anything of that kind said when you made the donation? A. No; I don't suppose I have exchanged a word with anyone outside of Mr. Dawson or Mr. Alsdorf in the whole Sherman Club.

Q. The Sherman Club was in existence for what length of time? A. About a year.

Q. Has it been in existence at any other election except the last? A. Oh, yes; it was in existence at our last charter election.

Q. The charter election held in the spring? A. Yes.

Q. The first election at which the club was in existence was the charter election? A. Yes.

Q. And then the fall election? A. Yes.

Q. There was no donation of \$600 made at the time of the charter election? A. Oh, no; there was a donation then to start them on, to

keep the organization and to perfect it; that donation I made out of my own pocket.

Q. The club had no furniture of its own, had none necessarily, didn't have any rent to pay? A. No.

Q. Met in the rooms of the regular Republican organization headquarters? A. Yes.

Q. In view of the testimony that you have given and in view of its being in evidence now that the sum of \$600 about along towards five or six hundred dollars was given to the Sherman Club, which had no other expenses than has been stated, what statement do you wish to go on record as to the use that was to be made of that sum of money donated for the club? A. I don't know that any statement is necessary for me in that particular; I gave that money without any idea of any corrupt intent; the men who compose that club were Republicans, and I didn't believe there was anything wrong in it any more than there was in making a donation to the Republican organization.

By Mr. GARDNER:

Q. You are acquainted with St. John of Port Jervis? A. Yes.

Q. Did he receive any part of this fund which you distributed in this county? A. No, sir.

Q. You handed him no fund at all last fall? A. No, sir.

Q. Did you disburse any of the money in the town of Deer Park? A. No, sir.

Q. In the town of Goshen? A. I don't know; I think I did.

Q. To whom? A. I suppose it was disbursed there; I won't be positive about putting any money in Goshen; I don't know.

Q. In the town of Wallkill? A. No; I don't think I had anything to do with that.

Q. Town of Warwick? A. No.

Q. Chester? A. No; I don't think I went there.

Q. Monroe? A. Yes.

Q. Who there received a part or some of it? A. I think Mr. Knight.

Q. Do you know how much he received? A. Something in the neighborhood of a hundred dollars for the town.

Q. Was he the only one in the town of Monroe? A. Yes.

Q. In the town of Woodbury? A. Yes, sir.

Q. Who received it there? A. I think Mr. Regua.

Q. About how much? A. About the same amount.

Q. The town of Bloomingrove? A. Yes.

Q. Who received it? A. I don't remember; two or three.

Q. Do you know the amount? A. Only in a general sort of a way.

Q. How much? A. About a hundred dollars.

Q. The town of Tuxedo? A. None there.

Q. Town of Newburgh? A. Yes.

Q. Who received it there? A. Several parties.

Q. Who were they? A. Mr. Bushfield, Mr. Westley and others.

Q. How much did they receive? A. I don't know; it was divided up; I suppose there was one general amount for each town.

Q. What was the general amount? A. From seventy-five to a hundred dollars.

Q. The towns that you have mentioned as having received it? A. Yes.

Q. They all didn't receive a part of this fund? A. No.

Q. The town of Montgomery, did that receive any part? A. Yes.

Q. Who received it there? A. I don't know.

Q. How much was received there? A. I don't know any more than in a general sort of a way, as I am telling you.

Q. In Sullivan county, was there any part of the fund distributed there? A. Yes.

Q. Given to one or several persons? A. I suppose it was distributed all through the county.

Q. Can you mention any particular names to whom it was given there? A. I don't know; I suppose I could, some of them.

Q. Will you mention some of them? A. Mr. Sorrells, Mr. Rosa, I don't know who else.

Q. Mr. Couch? A. Not a dollar.

Q. Did you direct anybody to pay him anything? A. No.

Q. Did you direct the State committee to send any to St. John of Port Jervis? A. I have told you all I received or came in this county from the State committee.

Q. Did you direct the committee to send any to St. John? A. No; I don't own the State committee.

Mr. HIRSCHBERG.—The State committee were not under his direction.

Chairman ROESCH.—He was under their direction.

Q. About how many towns in the county of Sullivan was the money distributed according to the best of your opinion? A. We distributed the money all through the county, but it was so little it was spread very thin.

Q. Did it exceed \$500 in Sullivan county? A. \$500 would go but but a short distance in Sullivan county or any other county.

Q. How much in your opinion was expended there or disbursed there? A. Perhaps a thousand or fifteen hundred dollars in the county.

Q. How much in Rockland county? A. Seven hundred and fifty or a thousand dollars, or \$500, I think.

Q. The balance or the remainder of the money which you received from the State committee and from the several candidates was used in Orange county, was it? A. I suppose it was; yes; Orange county is about twice the size of the two counties combined.

By Chairman ROESCH:

Q. Which county of the three has the largest number of voters in it? A. Orange county, and Orange county has as large a representation in their convention as Rockland and Sullivan combined, and it is based on the Republican vote cast.

Q. Do you know about the amount of money which was constituted by the several candidates to the State committee which you received? A. No.

Q. Was any of this money which was received by you disbursed in the town of Deer Park? A. No; I think not; judging from the returns I should not think any money was disbursed there except by Democrats.

Q. You have gone over most of the towns in this county and it appears only in the towns of Monroe and Montgomery and Newburgh and Bloomingrove that any money was disbursed? A. No; your geography is at fault.

Q. What other town? A. There are lots of other towns outside of the towns you have named in Orange county.

Q. You have stated there was none disbursed in Walkill or Goshen, or Chester? A. No; you asked me if I had disbursed any there and I told you no.

Q. I asked you if any part of this fund — A. When it comes in my possession it is mine to do as I please with.

Q. Was that fund disbursed? A. I told you that the fund was disbursed in Rockland county, in Sullivan county, and I will state in the first Assembly district of Orange county; the second Assembly district I had nothing to do with.

Q. The part of the funds which was disbursed in Orange county was disbursed in the first Assembly district? A. Yes.

Q. Did each one of the towns in this Assembly district receive a part of that fund? A. Yes.

Q. I understood you to say Tuxedo did not? A. With the exception of Tuxedo, they didn't need any money down there; they are all tony.

Q. There are no Sherman Clubs down there? A. I don't know as to that.

By Chairman ROESCH:

Q. Does the tony neighborhood subscribe any money? A. That is the reason of it.

By Mr. GARDNER:

Q. The chairman of the county committee lives there? A. Yes, sir.

Q. Are not there some other towns besides Tuxedo that you may have overlooked? A. No.

Q. You say they would average from seventy-five to a hundred dollars apiece? A. Yes.

Q. How many towns are there in the first Assembly district? A. Newburgh, Montgomery, Tuxedo, Highlands, Cornwall, Windsor, Newbury and Bloominggrove.

Q. Nine, then? A. Yes.

Q. If they received from seventy-five to a hundred dollars apiece according as you have stated, that would be something like a thousand dollars that was disbursed in this Assembly district by you? A. Yes, sir.

Q. Outside of the city of Newburgh? A. Yes.

Q. Will you state whether the amount of funds which was contributed and received by you from the respective candidates of your party at the last election did not exceed \$5,000? A. Yes; I will.

By Chairman ROESCH:

Q. The whole amount of money, from whatever source you received it, that was expended during the campaign did not exceed, you say, \$5,000? A. The amount of money that I received from candidates I don't think exceeded that amount, and the State committee—

By Mr. GARDNER:

Q. From any source whatever didn't exceed \$5,000? A. I may have blowed in some money myself.

Q. How much, if you did? A. I don't know; those things I don't like to remember.

Q. Can you approximate it? A. No.

By Mr. HIRSCHBERG:

Q. Was the amount which you have mentioned and which you have distributed in these different towns excessive, in your judgment, for the legitimate purposes of an election? A. I don't think they were; no, sir.

Q. That is, the carriages, workers, watchers and services of that

kind which are classed among the legitimate expenses of a campaign?

A. I should think they would be.

By Chairman ROESCH:

Q. You don't mean to be understood that in the first assembly district the sum of about \$5,000 was expended? A. No; I mean to say the money that was expended in Sullivan county, the first assembly district of Orange county and in the county of Rockland.

Q. Was in excess of \$5,000? A. I don't think it was; I think it was rather under.

Q. The whole amount of money received by you from all sources for Sullivan, Rockland, and the first assembly district of Orange was, in your judgment about how much? A. In that neighborhood of \$5,000.

Q. You expended all that you received? A. Yes; and more.

Q. Probably some of your own in addition? A. Yes, there are always a lot of expenses that come in after an election is over, like some men whom you have had to-day; special work in sending them off, carriage hire for yourself, and drinks, and all that kind of business come in after election; I have them come in for two or three months after.

Q. Did you go to the Sherman Club after election? A. No; never been in there since.

Q. You kept yourself informed, I suppose, as to the condition of the Flower Club? A. Naturally; yes, sir.

Q. You were somewhat interested in seeing to it that it didn't exist? A. No; I made no direct attack upon the Flower Club in any particular.

Q. Send for any of the members of the Flower Club? A. No, sir; never.

Q. Did you put one man in charge of the Flower Club as it were? A. No; I had two or three men who were supposed to be members of the Flower Club, who were good Republicans, and kept me well informed as to its condition.

Q. They brought you the news as to what was going on in the Flower Club? A. Yes.

Q. You didn't have them pitched out of the window in the Sherman Club? A. No; they received places of honor, of course; they would come down and tell me.

Q. Did those who were in the Flower Club, ostensibly Democrats, but in your service, share in the donation of \$600? A. I don't know, but I presume they did.

Q. You don't know whether they got more than five dollars and forty-five cents? A. I couldn't tell you anything about it, because I don't know whether Mr. Mathews got money or whether he didn't get money; I don't know anything about it.

Q. Who was Mr. Mathews? A. The gentleman who started the ball at Albany.

Q. Started any balls after that? A. Quite likely.

Q. Did you have a membership list of the Flower Club? A. No; only in this way: they would report to me that so-and-so belonged to the Flower Club.

Q. Would you then send a man who belonged to the Flower Club? A. No.

Q. Try to labor with him in some way? A. No; I left that to others.

Q. You got some others to persuade him of the errors of his ways? A. They tried to.

Q. Have you had a meeting of the Sherman Club recently? A. I believe they have had one.

Q. By your arrangement? A. No, sir; I didn't know anything about it.

Q. Has the discipline machine been at work in the Sherman Club? A. Not to my knowledge.

Q. Not by your orders or direction? A. No, sir; I know nothing whatever.

Q. Have you had any member of the Sherman Club expelled recently for testimony that he has given in this case? A. No, sir.

By Mr. GARDNER:

Q. I understand you to say there was about \$750 of this money that was disposed in Sullivan county? A. No; I didn't; I said in Rockland county.

Q. How much in Sullivan? A. I can't tell you that.

Q. You stated the amount before? A. Yes; I suppose it was the same general distribution of money.

Q. How much was it there? A. I don't know.

Q. You stated before that it was about \$1,000, didn't you. A. No; I didn't; I said it might have been that and might have been more; I said from \$1,000 to \$1,500.

Q. Did it exceed \$1,500? A. I should not think it did; it might have exceeded it a few dollars and might not.

By Chairman ROESCH:

Q. I understand you to testify that you expended about \$1,500 in Orange, about \$1,000 in Sullivan, about \$750 in Rockland, and \$600 to the Sherman Club? A. Yes.

Q. About \$300 to the Republican club and about \$300 in three separate districts in Sullivan and \$1,000 in the first assembly district of Orange? A. Yes.

Q. A total of \$5,450. Then how much was expended in the city of Newburgh? A. I think I have gone over that once or twice; the city of Newburgh is in the first assembly district.

Q. When you said about \$1,000 for the first assembly district was that inclusive of the city? A. No; I don't mean to include the city of Newburgh in that; I think you can add perhaps \$1,000 to that.

Q. That is \$6,450? A. Yes.

Q. How much more do you think could be added for other matters? A. You are taking my statement there as the ultimate; I said a thousand to \$1,500 in Sullivan county and it might have been a thousand and might have been \$1,500 and I might have in some of these districts put less money than I did in others; approximately and refreshing my memory as well as I can, I should say the amount expended in the districts I have named, the first assembly district of Orange county, the counties of Sullivan and Rockland would be in the neighborhood of \$5,000, including everything; it may possibly have reached \$5,500 or \$5,700, but according to the best of my recollection that was about the amount; I don't consider that I have used a dollar of this money for any illegitimate purpose; I think every dollar was honestly expended for legitimate purposes.

MAX E. BASTIAN, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. At the last election were you a ballot clerk in the seventh district of the first ward? A. Yes, sir.

Q. Prior to election did you act as one of the board of registry? A. Yes, sir.

Q. Were you elected an inspector of that district? A. No, sir.

Q. In whose place did you act? A. Frank B. Dickson.

Q. You were around the polls that day more or less of election? A. Yes, sir.

Q. Do you know a man by the name of Guinan, an inmate of the alms-house? A. Yes.

Q. During the day do you know the fact he brought there to vote a blind man? A. Yes.

Q. With a Democratic ticket? A. I couldn't say whether he had a Democratic ticket or not.

Q. Did the man want to vote the Democratic ticket? A. I couldn't say.

Q. Did anybody go in the booth with him? A. Yes.

Q. Who was it? Andrew Dygert, an inspector.

Q. What are his politics? A. Republican.

Q. During the day, did you observe voters come out of the booth and the Republican inspectors pretend that the ballots were not properly folded; did you observe any of that going on that day? A. Several times they instructed them how to fold the ballots, the inspectors did.

Q. Did the Republican inspectors give them any instructions as to whom to go for pasters? A. They were told to go back and see Herman for pasters.

Q. To see Fred Herman? A. Yes.

Q. After they would find fault with the ballots? A. When they would spoil a set of ballots.

Q. The inspectors would look at the ballots? A. Partly open sometimes.

Q. Did you see the Republican inspectors there at any time take ballots and look at them? A. I couldn't say I see anything; they had them in their hands though.

Q. Before they were voted? A. The Republican inspectors took them.

Q. Did you see them look at them before they deposited them in the box? A. Only the spoiled sets.

Q. You have heard Mr. Dickson swear as to the way they counted the ballots there that night? A. Yes, sir.

Q. Counted them in piles separately by themselves? A. Yes, sir.

Q. And their piles only? A. Yes, sir.

Q. That is true, is it? A. Yes, sir.

Q. One inspector didn't count after the other? A. No, sir; except the same pile.

By Mr. HIRSCHBERG:

Q. Are you a Democrat or Republican? A. Democrat.

Q. Did you see anything wrong there that day? A. Well, I don't know.

Q. Anything that you know to be wrong? A. I suppose it was wrong, what he asked me.

Q. What was it he asked you that was wrong? A. About going to the booth with a blind man.

Q. With that exception, did you know of anything wrong that was done? A. I couldn't say whether it was wrong or not.

Q. If there was anything wrong done there, what was it; did the inspectors count wrong so far as you know? A. No, sir.

Q. Anything to indicate that they did? A. I couldn't say.

Q. The tickets they looked at were spoiled tickets? A. Yes.

Q. These men who came there with pasters and had put them on all the ballots and spoiled the ballots? A. They would put them on the outside of the ballots sometimes.

Q. Had to go back and get other pasters and prepare another set of tickets? A. Yes, sir.

By Chairman ROESCH:

Q. What was this blind man's name? A. Patrick Cahill.

Q. Did Tygert go inside the booth with any other voter but this blind man? A. No, sir.

Q. That was the only instance in which Tygert went in the booth with a voter? A. Yes.

Q. Did the blind man take an oath he was physically disabled? A. Yes.

Q. Did he say anything as to what ticket he wanted to vote? A. No.

Q. Did he make any remark? A. No.

Q. You don't know whether Tygert did or did not assume to change the blind man's vote? A. I couldn't say.

Q. Has there been any change of that kind made on election day? A. Only that Dickson objected to him going in because he was an inspector at the time.

Q. Tygert was the Republican inspector? A. Yes, sir.

LEVI LINDLEY, being duly sworn, testified as follows:

By Mr. GARDNER:

Chairman ROESCH.—I want to make a suggestion to you in the interest of speedy hearing and speedy decision of the case; I find it is advisable where the evidence consists of record evidence for counsel to attempt to get together and agree as to what the record is and shows. You can often get together on a statement that the record desired to be introduced shows where were so many votes cast, of which Richardson received so many and Lamont so many, and that will do away with the necessity of keeping the county clerks here, do away with the necessity of keeping the records here and it will aid the record of the case as well. If you can agree upon such a statement.

Mr. GARDNER.—We want to offer these returns in evidence for this purpose; to show the defective character in some of these districts. If the counsel will admit that these returns are genuine and we can offer them in evidence if the clerks will leave them in the custody of the committee.

Chairman ROESCH.— That can be done just as well.

Mr. O'NEIL.— We will admit they are genuine.

Q. You live in Port Jervis? A. Yes, sir.

Q. And voted there at the last election? A. Yes, sir.

Q. In what ward and what district? A. Ninth ward.

Q. Of what district? A. Ninth election district.

Q. About the polls all day more or less? A. Yes, sir.

Q. Did you observe anything wrong occurring there at the polls that day, if so state what you saw? A. I was around the polls all day; I saw two Republican workers go towards Jersey avenue and I was satisfied there was a job being put up; that is what I am always watching for in our ward; what it was I didn't know but I kept watch; I saw a man come from that way with voters.

Q. What man? A. Theodore Weiss.

Q. Is he a Republican worker? A. Yes, sir.

Q. With a couple of voters? A. I saw him come and go a great many times from his place of business.

Q. What sort of place of business has he? A. He keeps a drinking-house.

Q. How far is it from the polls? A. About a quarter of a mile, eighth of a mile.

Q. You saw him coming from the polls to his place of business with men, voters? A. Yes, sir.

Q. All day? A. All day.

Q. Will you mention the names of any of the voters, particularly, that you saw him coming with? A. I saw him come with a great many; I can't mention so awful many names, only I know them all.

Q. About how many in your judgment did you see him with that day? A. I should judge from twenty-five to thirty different ones.

Q. The ones with whom you saw him that day were they purchasable voters? A. Yes, sir.

Q. How do you know they were purchasable voters? A. I knew them for a good many years as voters.

By Chairman ROESCH:

Q. Did you ever buy them yourself? A. Not since the new ballot reform law.

By Mr. GARDNER:

Q. You knew it was the general reputation they had? A. Yes.

By Chairman ROESCH:

Q. Did others buy them for you? A. No, sir; there wasn't one cent used in our ward by the Democratic party to buy voters.

Q. Who were some of these men; state what you saw of the most interest? A. I saw two men by the name of Hermon; I saw a man by the name of Williamson; I saw a man by the name of Bennet, and I saw a gentleman by the name of Dotter, and I kept watch of it until 3 o'clock in the afternoon.

Q. What, if anything, occurred in regard to the man Dotter that you saw? A. I knew he was a good Democrat, and I didn't think no man could buy him; when he came out I tapped him on the shoulder and asked him what he took that money for?

Q. From whom? A. Mr. Theodore Weiss; I didn't see him give the money, only I was satisfied he got it; he says, "Don't say nothing," and he pulled this money out of his pocket and held it in his hand; I says, "Is that what you got; didn't you get no more than that?" He says, "Yes, I done better than that, I paid a three dollar bill and had two dollars left." I says, "You are the man that I want, I have been watching for this man all day." I took him up to find a justice to have this man arrested, and it was pretty hard to find a justice and I went to Judge Crane; I got proceeding made out against this man; it was late in the afternoon and they had him arrested the next morning, this Weiss.

By Chairman ROESCH:

Q. On what charge did you have him arrested? A. Paying money for votes, buying votes; the Republicans were a little bit too smart, they got this man Dotter away and we couldn't find him the next morning.

Q. What became of the case? A. It was adjourned until the next Saturday; I couldn't see the gentleman the next Saturday, so it was dropped there.

By Mr. GARDNER:

Q. Dotter is here now? A. Yes, sir.

Q. In the room? A. Yes, sir.

Chairman ROESCH.—You had better close the door.

Q. This man Weiss was more or less all day talking with these purchasable voters? A. He done the business there while he went back to his place and chuck some in his back yard; I couldn't see him pass no money around, only I was certain the men he was working with, that he was paying money and I kept right on his track, that was my business.

Q. You say he took some of them in his back yard; was that before or after they had voted? A. Before.

By Chairman ROESCH:

Q. Where did he take them after they voted? A. They went one way and he went the other.

Q. You don't believe he paid them before they voted, do you? A. He couldn't get those parties unless he did.

Q. When he would go with them toward the polls, how far would he go? A. He would go inside the building.

Q. Inside the polling place? A. Yes.

Q. Inside of the rail? A. No, sir; I think not.

Q. Near the booth? A. I didn't see him go inside the rail.

Q. He did that on many occasions, did he? A. Good many occasions.

By Mr. O'NEIL:

Q. What district and what ward did you work in that day? A. Ninth district, Deer Park.

Q. No wards there? A. Ninth ward, ninth district.

Q. Where is Mr. Weiss's store with reference to this district? A. Mr. Weiss's hotel is on Jersey avenue.

Q. A quarter of a mile? A. I think about an eighth of a mile, as near as I can remember.

Q. On the same street? A. On Jersey avenue.

Q. Where was the polling place, on that avenue? A. On Seward avenue.

Q. On a different street? A. Yes.

Q. You saw his hotel from the polling place? No, sir; you can see to Jersey avenue.

Q. You couldn't see his hotel from the polling place? A. No, sir.

Q. What time were you there in the morning? A. I was there from the time the polls opened until I had this man taken up town about 3 o'clock.

Q. Your special business there that day was to watch Mr. Weiss? A. That was my business; I was there to see everything went along legally.

Q. Were you paid for being there? A. No, sir.

Q. Who requested you to go there? A. Myself.

Q. When did you commence to watch Mr. Weiss to see everything went along legally? A. When I saw two Republicans go toward Jersey avenue, O. P. Howe and Steve Dubois, and I knew there was a job put up.

Q. And from that time you watched Mr. Weiss? A. Yes, sir.

Q. Did you see them with Mr. Weiss? A. No, sir.

Q. Do you know where they went to? A. No, sir; I do not.

Q. You didn't follow them? A. I followed them a ways.

Q. Do you know they saw Mr. Weiss? A. I ain't positive.

Q. You didn't see them with Mr. Weiss that day? A. No.

Q. Who was the other gentleman besides Mr. Howe? A. Mr. Dubois.

Q. Mr. Howe is a lawyer there? A. Yes, sir.

Q. It is not an infrequent thing to see him, you saw him almost daily? A. Saw him more times election day than any other.

Q. Because you are around more election day? A. That is it.

Q. What is your business? A. Locomotive engineer.

Q. Then you are not in Port Jervis very much? A. Every other day.

Q. Where is your run? A. Port Jervis to Jersey City; I run the Orange county express.

Q. That leaves Port Jervis at what time? A. Half-past 6 in the morning.

Q. Returns what time? A. Seven thirty-four.

Q. When you saw Mr. Howe and this other gentleman making toward Jersey avenue, that is the time you commenced to watch Mr. Weiss? A. No; after they went away I knew there was something going on.

Q. Then you commenced to watch Mr. Weiss? A. When I saw him coming with voters.

Q. What time was that in the day? A. Somewheres along in — I couldn't say positive, exactly the hour.

Q. In the morning? A. Yes, sir.

Q. You watched him as closely as you could all day; you were on his scent all day? A. I was pretty close to him.

Q. Made that your special business? A. Yes.

Q. Had nothing else to do? A. Nothing else to do.

Q. Didn't pay attention to anything else? A. I was looking around.

Q. Who did he have when he came there the first time, 9 o'clock? A. I couldn't say positive.

Q. Did you know the men? A. I knew all the men that came there with him.

Q. Who were the first two men that you saw with him that you were watching so particularly? A. It is very hard to tell which was the first two, because he brought so many; I couldn't tell that.

Q. You stated one man he bought, Mr. Dotter; what other men did you see with Mr. Weiss that day? A. I saw two of the Hermons.

Q. Who were the Hermons? A. Young German men; one of them was an old man, and the other a young man, and they always sell their vote.

Q. How do you know? A. I know very well.

Q. Have you bought them? A. Yes, sir.

Q. A number of times? A. Yes, sir; before the new ballot law.

Q. You wouldn't buy them now? A. No, sir.

Q. Because you are afraid of the ballot law? A. I made up my mind I wasn't going to buy any more votes, several years ago.

Q. When did you quit? A. Some time ago.

Q. You quit when the new ballot law came into effect? A. Yes, sir.

Q. Because you were afraid of the penalty imposed; that is why you quit, wasn't it? A. No, sir.

Q. That was one reason, wasn't it, because you were afraid of the penalty that it incurred? A. No, sir; I wasn't afraid of that at all.

Q. Why did you quit at the time the new ballot law came into effect? A. Because I thought we were going to have an honest election, and I was very glad the law had passed.

Q. So you could quit? A. Yes, sir.

Q. Then you reformed? A. Yes; I felt in hopes some of the Republicans would, too, in Deer Park.

Q. When you saw these men going down street—Howe and this other gentleman—you thought something was up and there would be a return to the corrupt methods; did you see Mr. Howe again that day? A. Yes, sir.

Q. Where? A. At the polls.

Q. What other gentlemen were there at the polls with you that day; what other Democrats? A. There were several.

Q. Several Democratic workers there? A. They didn't work a great deal.

Q. What were they there for? A. They were there to watch.

Q. Watch what; see that no injustice was done? A. Yes.

Q. And no votes were bought? A. See that there was no illegal work done.

Q. They attended to it as closely as they knew how? A. Yes.

By Chairman ROESCH:

Q. Who carried that district? A. The Democratic party.

By Mr. O'NEIL:

Q. By what majority? A. Eighty-six, I think.

Q. Was that the usual majority? A. No, sir.

Q. Little more? A. No; less.

Q. How much less? A. If there wasn't no illegal vote —

Q. No. A. I think I can answer that; if there was no illegal work done there and the vote was cast, there would be 125 majority there.

Q. What is the usual Democratic majority? A. That is according to what vote you get out.

Q. What is the usual Democratic majority? A. The way we have got it canvassed it ought to be 200, if there was a legal vote.

Q. What was the usual Democratic majority in that district? A. The districts have been changed.

Q. Since the districts have been changed, what has been the ordinary Democratic majority? A. This was the first election.

Q. Then it was a new district? A. Yes.

Q. You don't know what the ordinary majority was? A. I know by the canvass.

Q. Nothing to compare it with; how can you compare this if it has been reorganized since the last election? A. The way we know we canvass the district.

Q. This is a new district? A. Yes.

Q. You never canvassed that before? A. Yes, sir; we canvassed it last fall.

Q. You never canvassed before last fall? A. Not that district.

Q. Then you have nothing to compare it with? A. Only the canvass we take.

By Chairman ROESCH:

Q. What you mean is you made a canvass of the voters at the last election and by the information you had in the course of that canvass you expected the same majority. A. Yes, sir.

Q. Didn't get it? A. No, sir.

Q. Do you know whether Mr. Richardson has run before for senator? A. I believe he has.

Q. Isn't it a fact he run ahead of his ticket in that district at the time he run before?

Mr. GARDNER.—That wasn't the district at that time.

Chairman ROESCH.—I understand the general drift of the point, the mere fact the districts were changed probably didn't change the public sentiment that may have existed in that territory.

Q. Isn't it a fact Mr. Richardson ran ahead of his ticket in the territory covered by this district when he ran two years ago last fall? A. There were very good causes for it.

Q. Give us the fact? A. I couldn't say positive as to that.

Q. Some disaffection there among the Democrats in regard to Mr. Lamont's nomination? A. No, sir.

Q. Isn't it the fact the choice of the Democratic party of Deer Park was George W. Green for senator? A. No, sir; I think not.

Q. Were not the delegates from that town in favor of Mr. Green? A. I was not a delegate; I couldn't say.

Q. Wasn't there a strong sentiment there in favor of Mr. Green as a nominee of the Democrat party for senator last fall? A. I think not.

Q. Are you posted upon that question; isn't it a fact some of the leading Democrats there were so much incensed over the nomination of Mr. Lamont that they were lukewarm in the canvass? A. No, sir.

Q. Do you say that isn't so? A. Not in our district, I know.

Q. In the town, in the village of Port Jervis? A. I generally work in the ninth district.

Q. You don't pretend to know much about the rest? A. I don't run around from one district to another; of course, I know how things stand generally.

Q. State what other Democrats worked in that district besides yourself were there guarding the polling place to see that no injustice or frauds were perpetrated? A. One by the name of Ed. Snook.

Q. He is a worker and a Democratic politician? A. He is always around.

Q. Who else? A. There were several Democrats around there.

Q. You are familiar with the names of your Democratic associates in that district; Mr. Snook is one; who are the others? A. There were several there on and off all day; Mr. Cole was there.

Q. He is a Democratic worker and a politician? A. Yes, sir.

Q. Sharp, shrewd man? A. Yes, sir.

Q. Who else? A. There was a Vannay there; he was around the polls off and on different times through the day.

Q. Who else? A. A man by the name of Lewis Oakley; he was there off and on.

Q. Who else? A. George Johnson.

Q. He is another Democratic worker? A. Yes.

Q. What other name? A. A good many; I don't know as they worked; they were just the same as me standing around; I didn't work any.

Q. They stood around to see there was no corruption, or no votes bought, or no injustice done to the Democratic candidates? A. That is what I was there for.

Mr. GARDNER.- - We will admit all this.

Mr. O'NEIL.- - I don't want you to admit anything; I want to prove it by your own witness; that is stronger than your admission.

Q. In the morning about 9 o'clock you saw Mr. Weiss coming up

with the two Hermans? A. It might have been 9 o'clock; might have been a little before or a little after.

Q. And that aroused your suspicions still more, did it not? A. After I saw some moves.

Q. What moves did you see between Mr. Herman and Mr. Weiss?

A. I knew they wouldn't be with that man.

Q. I ask you what you saw not your supposition, what you saw improper pass between these Hermans and Mr. Weiss? A. I saw him come from his place with these two gentlemen that were Democratic voters, and I knew he hadn't ought to have them.

Q. What did you see that was improper except his coming up there with them; you saw him pay them no money? A. No, sir.

Q. Saw nothing improper except what you have stated, that you saw these Hermans come toward the polling place in company with Mr. Weiss? A. I can prove he paid him money.

Q. Did you see him pay any money? A. No, sir.

Q. Did you see anything improper other than you have stated? A. No, sir.

Q. Did you see them vote? A. Yes, sir; I saw them go in.

Q. You don't know what ticket they voted? A. No.

Q. These Democratic workers all stood there when they came up to watch and guard the polls? A. They were around.

Q. You saw nothing to make any complaint of; did you? A. Yes, sir.

Q. Did you make any complaint then? A. I made a complaint on Mr. Weiss.

Q. Did you, at that moment, when he came up there with the Hermans? A. I called the inspector's attention to it.

Q. What inspector? A. Patrick Burns.

Q. Is he a Democrat? A. Yes.

Q. What else did you do? A. I kept track of this man; I was watching him to see if I could catch him paying money.

Q. You didn't catch him? A. I saw some money he paid out.

Q. I am talking now of the Hermans? A. Yes, sir; I didn't see him pay the money to Mr. Herman, only I got evidence.

Q. Did you see anything other than what you have stated? A. No, sir.

Q. You called Patrick Burns, the Democratic inspector's, attention to watch him closely? A. Yes, sir.

Q. To see that no fraud was perpetrated? A. I told him I believed this man was doing something wrong.

Q. And you wanted him to watch to see that nothing wrong was done; wasn't that your purpose in telling Mr. Burns? A. Yes, sir.

Q. Did he report he saw anything wrong? A. He told me things looked bad on their part.

Q. Did you hear any report that day that any fraud had been perpetrated by the Hermans or by Mr. Weiss to the Hermans? A. Yes, sir.

Q. What was it? A. I found a friend of Mr. Herman.

Q. I am asking what you saw and heard there at the polls? A. You asked me if I saw anything; I told you that I didn't see him give him no money but I was satisfied in my own mind that he had received money.

Q. Would you be willing to swear to that; that they received money? A. No, sir.

Q. Then you don't know whether they did or not; it is only a supposition in your mind?

Chairman ROESCH.—He has answered that.

Q. Who else did you see come to the polls with Mr. Weiss? A. I saw a good many.

Q. You told your associates in the morning about your suspicions of Weiss? A. Yes, sir.

Q. That you thought there would be some corruption; that Mr. Weiss was going to do something; some injustice to the Democratic candidates and you called the attention of your associates? A. Yes.

Q. You watched all day and your associates watched all day? A. I don't know what they did.

Q. Did you see Mr. Weiss give a single voter a dollar or a cent or any money that day? A. I told you it was done in such a way I did not see him give any money.

Q. Did any of your associates see Mr. Weiss give any voter any money that you know of? A. No, sir; it was impossible to see it.

Q. You don't know Mr. Weiss paid a cent to any one that day? A. Yes, sir; I know in my own mind he did.

Q. I am asking you what you know of your own knowledge? A. I didn't see him do it.

Q. You can't swear that he did? A. I don't know.

RICHARD GILDERSLEEVE, being duly sworn, testified as follows :

By Mr. WASHBURN :

Q. You are the county clerk of Sullivan county? A. Yes, sir.

Q. Have you the original returns of the election held last November? A. Yes, sir.

Q. Will you select the returns for the second district of the town of Bethel? A. Yes, sir (producing same).

Q. The second district of the town of Fallsburg and the first district of the town of Liberty and the second district of the town of Liberty, third district of the town of Liberty, fourth district of the town of Liberty; third district of the town of Rockland, fourth district of the town of Rockland; first district of Mamakating, second district of Mamakating; second district of Neversink; second district of Thomson, first district of Thomson, third district of Thomson, fourth district of Thomson? A. Yes, sir (producing).

Q. Did you bring all the returns? A. I did; those are the ones that you gave me a list of in Albany.

Q. As I understand you these are the returns as canvassed by the board of county canvassers, when were they filed in your office? A. November thirteenth.

Q. Did you receive as county clerk of Sullivan county official ballots which had not been delivered to voters, required by law to be returned to you the day after election in a sealed package? A. The official ballots not voted returned by the ballot clerk back to the county clerk; yes, sir.

Q. Are they still in your office? A. They are not.

Q. What was done with them? A. They were burned after the board of county canvassers got through with their work canvassing the vote.

Q. How soon after? A. About a week or ten days, I think.

Mr. WASHBURN.—I desire to submit these returns in evidence.

Chairman ROESCH.—I suppose you do not want any more than simply that portion that relates to the senate vote; is that so?

Mr. WASHBURN.—I wish them all; the entire returns.

Mr. HIRSCHBEEG.—Why not let the county clerk send a statement of those returns? That will answer every purpose.

Chairman ROESCH.—We have in our possession now the returns from other districts in other contests, what is your object in asking for any other portion of those returns than the senate vote?

Mr. WASHBURN.—Simply because it is necessary in order to judge of the credibility of these returns to have the entire return before you in order that you may compare the general statement of the canvass with the ballots attached to the return, if there are any.

Mr. GARDNER.—Which can not be done conveniently.

Mr. WASHBURN.—It is a matter of enormous labor to make an abstract from those returns.

Chairman ROESCH.— I think while we are talking about it here one return could have been finished. We could have dictated to the stenographer the condition of one return.

Mr. WASHBURN.— Our intent was to put these in evidence and leave them in the custody of the committee.

Chairman ROESCH.— While I see these returns and during the time the committee has possession of them the other members of the committee can see them, we can have these returns on file all the while for the inspection of the whole senate. This case will be printed, and you ought to make these returns part of the record so they can be printed.

Mr. HIRSCHBERG.— We know nothing about what points are to be raised on the returns.

Mr. O'NEIL.— I think they should state the purpose of the order.

Mr. WASHBURN.— We are prepared to do that; we are ready to do it; I have only offered to do it by this method to save the time of the committee.

Mr. GARDNER.— I was going to suggest to the counsel and to the committee that we have a memorandum here of the statement of the canvass in the several districts the returns of which we put in evidence; if the clerks could examine this memorandum and certify to its correctness that will dispose of the whole question.

Mr. O'NEIL.— That is a simple way.

Mr. GARDNER.— They can take it home with them.

Chairman ROESCH.— You have remarks here of your own?

Mr. WASHBURN.— Yes; if you decide upon that method of procedure I will furnish these gentlemen with blanks that they can fill.

Chairman ROESCH.— Have you the same as to the other return?

Mr. GARDNER.— Yes.

Chairman ROESCH.— Why not do this; why not hand a copy of this abstract to the other side; give the other side an opportunity to verify your figures and your exhibition of the condition of the returns and if both sides agree, all you would have to agree of course, would be as to the actual condition of the returns, I mean the committee would not by that do any more than simply to allow this agreement to go into evidence as exhibiting the condition of the return, leaving to argument whatever may be the effect of that condition of the returns.

Mr. O'NEIL.— If the clerk will verify that.

Chairman ROESCH.— Let him retire somewhere and look it over and verify his portion of the returns, if not, let him take this with him and do it at his leisure.

The WITNESS.—I would rather take it with me and make a certified copy of what portion is called for.

Chairman ROESCH.—I don't quite understand what you are driving at.

Mr. WASHBURN.—Take the third district of Mamakating.

Mr. GARDNER.—If counsel will agree on this there is no necessity of the clerk doing this.

Chairman ROESCH.—Give us an example. Does this show what you want to show?

Mr. WASHBURN.—Yes, sir. Examine the ballots attached to that return and you will find a straight Democrat official ballot.

Chairman ROESCH.—No.

Mr. WASHBURN.—Do you find a straight official Republican ballot?

Chairman ROESCH.—No.

Mr. WASHBURN.—Do you find a paster ballot in each case?

Chairman ROESCH.—I should correct my answers. I find a straight Democrat ballot and a straight Republican ballot.

Mr. WASHBURN.—Official ballots, as delivered to the voters?

Chairman ROESCH.—I hardly think so, because it doesn't seem to me to be of the size required by law.

Mr. WASHBURN.—Don't they seem to be paster ballots?

Chairman ROESCH.—I wouldn't say that. I would rather say that they were official ballots trimmed down.

Mr. WASHBURN.—That condition of these ballots attached I should wish shown upon any copy that this witness makes.

Chairman ROESCH.—That can be shown. Your statement would show that attached to the last sheet of the supervisor's return of the third election district of the town of Mamakating, in the county of Sullivan, has attached to it a sample ballot, the official ballot being that of the Prohibition ticket, and the sample ballot being of the Democratic and of the Republican party.

Mr. WASHBURN.—I should wish to show it was not in any case the official ballot as the law requires to be delivered to the voter.

Chairman ROESCH.—A statement like that would show it.

Mr. WASHBURN.—If the county clerk will make up a statement as to each of the districts named, and counsel on the other side will admit the condition of the returns, as shown by this certified copy, it will be entirely satisfactory to us.

Chairman ROESCH.—The inspectors in this case wrote on the sheet of paper inside, each individual name of each candidate upon what you say is the sample ballot, the number of votes which that candidate received, whereas the object of the return was simply to require

the inspectors of election to state how many ballots of that particular kind were cast.

Mr. WASHBURN.—As a unit.

Chairman ROESCH.—If you can possibly agree on it, of course it would shorten our work.

Mr. HIRSCHBERG.—There is a difference of opinion between the counsel for the contestant and the counsel for the sitting member as to the effect of these irregularities. We claim they must show more than an irregularity, that the vote was different.

Mr. WASHBURN.—I apprehend we don't need to argue this case now, it is a question of evidence as to the condition of this return. Subsequently we shall have something to say as to the effect of that condition.

Chairman ROESCH.—The proposition now is, the county clerk shall take these returns with him, together with the portion of them that you have prepared and shall verify it and return it and that then shall go in place of the original exhibits here.

Mr. WASHBURN.—We are satisfied with that.

Mr. HIRSCHBERG.—Not exactly that. These are in evidence and can be used on the argument by anybody; this statement is for convenience sake to be used upon the trial. When we come to the trial we can bring out these and show them to the committee and use them.

Chairman ROESCH.—Certainly.

Mr. HIRSCHBERG.—We want to produce proof before the committee as to what the facts are behind these returns.

Chairman ROESCH.—I want to say that the county clerk would be fully protected by leaving these returns in the hands of the committee, the sergeant-at-arms of the committee would take charge of them.

Mr. HIRSCHBERG.—Can we get them to look at? When they close their case we may want to examine the returns ourselves. We don't know what these returns show.

Chairman ROESCH.—I am willing the returns should remain in the hands of the committee until the conclusion of the case, but there must be a time when these returns must be embodied upon the record of this case so that the Senate, when the report of the committee, whatever it may be, comes before the Senate for action, will have before it, as near as may be, in just the shape in which I have before my eyes these returns now, my object being to put the whole Senate, as near as I can, in as full possession of the condition of these returns as I am now by looking at them, by having them here.

Mr. WASHBURN.—They remain in the hands of the sergeant-at-arms until the report is presented?

Mr. HIRSCHBERG.—Why can't either side ask the county clerk to certify to the following things. I will agree to that.

Chairman ROESCH.—Let the other side go to the county clerk and have the county clerk of Sullivan county certify to the following as part of their case.

Mr. WASHBURN.—That is satisfactory to us.

Chairman ROESCH.—Let the county clerk of Sullivan county take these returns away with him, together with the abstract you have prepared, and if he finds that is a truthful abstract of the condition of these returns he will so certify and we will use that as your case. When you come to ask him to certify that sample ballots are attached there may be a difference of opinion.

Mr. HIRSCHBERG.—Then you may have to send for the record.

By Chairman ROESCH:

Q. Can you tell me what these are, whether they are sample or official ballots? A. I could, part of them; I prepared the official ballots.

Q. You prepared some sample ballots also? A. Yes.

Q. You know what color the official ballots were? A. Yes, sir.

Q. And what color the sample ballots were? A. Yes, sir.

Q. Can't you tell by the color? A. Yes, sir; those that are cut down are the official ballots, but the other ballots that are on I should judge were not.

Chairman ROESCH.—We had better swear him, however. It is agreed that the several returns to which the county clerk of the county of Sullivan has testified on the stand and which he has produced are in evidence. It is understood that each side in the contest may make part of the case as evidence such certified transcripts of the records of the office of the county clerk of Sullivan county as they may choose to offer.

Mr. HIRSCHBERG.—I offer in evidence the balance of the returns of the county.

CHARLES G. ELLIOTT, being duly sworn, testified as follows:

By Mr. WASHBURN:

Q. You are the deputy county clerk of Orange county? A. Yes, sir.

Q. Have you with you all the returns of Orange county as canvassed by the board of county canvassers? A. No; I have with me the returns that were filed on the sixteenth of November.

Q. What returns were filed on the sixteenth of November? A. The returns the supervisors produced.

Q. Those were the returns canvassed by the board of county canvassers? A. Presumably so.

Q. You have a return filed upon the sixteenth day of November and canvassed by the board of county canvassers and such a return for each election district in Orange county? A. Yes, sir.

Mr. WASHBURN.—We submit the returns, all of them, in evidence.

By Chairman ROESCH:

Q. These returns which you have produced here are all the returns of Orange county? A. No, sir; there has been some misunderstanding between the board; I contended the returns filed with me on the day succeeding the election should be produced before the board of canvassers which I have always done; those are filed on the fourth of November.

Q. These are the returns that were filed on the sixteenth? A. Yes; by the supervisors at the time of the canvass.

Chairman ROESCH.—I understand you to offer in evidence not merely those filed on the sixteenth but those filed on the fourth as well?

Mr. HIRSCHBERG.—Yes.

Mr. WASHBURN.—I don't care anything about those filed on the fourth.

Chairman ROESCH.—It is agreed the returns filed on the sixteenth and those filed on November fourth with the county clerk and with the board of supervisors, acting as a board with county canvassers are evidence in this case.

By Mr. WASHBURN:

Q. Have you also with you a record of the proceedings of the board of county canvassers? A. Yes, sir (producing).

Q. This is an account, as I understand it, of all the proceedings of the board of county canvassers? A. Yes, sir.

Q. Including all statements filed with the board as statements? A. All the proceedings; of course, there was a contest came up in regard to filing a certain protest, as to what it should be called.

Q. Includes all statements filed with the board of county canvassers as statements? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. Includes Mr. Lamont's protest? A. Yes, sir.

Mr. WASHBURN.—We offer that in evidence.

Mr. HIRSCHBERG.—We will take an objection to the filing of the protest.

By Mr. WASHBURN:

Q. Was this statement or protest filed by direction of the board of county canvassers? A. As a statement.

Q. Filed by their direction? A. Yes, sir; incorporated in the proceedings of the board.

By Chairman ROESCH:

Q. In the proceedings of the board mention is made of the filing of the protest? A. And protest itself.

By Mr. GARDNER:

Q. Certified fully in this paper? A. It is the original itself attached.

Q. You made a certified copy for Mr. Gardner? A. I did.

Mr. GARDNER.—That we will offer in evidence.

Mr. HIRSCHBERG.—This is offered in evidence but the other is used in its place.

Mr. WASHBURN.—Yes.

Chairman ROESCH.—There is offered and admitted in evidence the proceedings of the board of county canvassers of Orange county, filed November 16, 1891. It is agreed an exemplified copy of these proceedings may hereafter be used in the case by the contestant instead of the original itself.

By Mr. WASHBURN:

Q. As county clerk you received from different election districts, or ballot clerks, the ballots not delivered to voters? A. Yes, sir.

Q. On the day following election, are they still in your office? A. They are, sir.

Mr. GARDNER.—This agreement in reference to Sullivan county exists also to Orange.

Mr. HIRSCHBERG.—Yes.

Chairman ROESCH.—It is further agreed counsel may offer in evidence certified copies of returns, or contents of returns from the county clerk of Orange county instead of the original.

By Mr. HIRSCHBERG:

Q. You have been county clerk prior to your present appointment as deputy in Orange county? A. Yes, sir.

Q. County clerk the last three or four years? A. Yes.

Q. Have been deputy county clerk in prior years? A. Yes.

Q. Been connected with the clerk's office for a great many years?

A. Yes, sir.

Q. Some question has been raised upon this contest in reference to the return of split tickets. Do you know what the practice has been in this county in the different districts on that subject?

Mr. GARDNER.—We object to that.

Mr. WASHBURN.—We have raised no question on that.

Mr. HIRSCHBERG.—I want to prove there is issue by the law, there are two ways of doing it; some return and some do not return it.

Mr. WASHBURN.—The question between us is the requirement of law.

Chairman ROESCH.—That is afterwards a matter of argument anyway; you claim they should have attached the split ticket; whether they should or not is not yet clear to my mind as a matter of law; I don't know but what you are right about the law, but the other side have a right to show as to what the custom may have been; but of course I will say, as I think, the other side will admit as lawyers that if the custom has been for some time to deliberately violate the law, that wouldn't do away with the law.

Mr. HIRSCHBERG.—That isn't my point; I claim this but will claim upon the argument, we concede for the sake of argument that the law requires every split ticket to be returned.

Mr. WASHBURN.—We don't claim that.

Mr. HIRSCHBERG.—Or at least that every split ticket of a certain kind should be returned, that is, if there are five or six kinds of split tickets, one of each should be returned; I say that has nothing to do with this contest unless the failure is a result of fraud.

Chairman ROESCH.—Unless it vitiates it.

Mr. HIRSCHBERG.—Yes; I want to say the practice has prevailed in certain districts to return them and some districts not to return them, and there is a question comes up every year whether it is right or wrong; and the failure to do it is ignorance of the law.

Q. How is it, Mr. Elliot? A. Oh, yes; there is a contest every year; some return them and some contend they should return nothing but a straight Democratic or Republican ballot, while others occasionally attach all the split ballots.

By Chairman ROESCH:

Q. Has this matter ever come up to your knowledge for a ruling upon it by the board of supervisors, or county canvassers, or by any court? A. Not by any court; the board have a contest more or less every fall over the question; have for many years.

Q. Have they had a ruling about it? A. No; they finally approved the returns.

By Mr. HIRSCHBERG:

Q. The county canvassers have approved the returns without the return of the split ballots? A. Yes, sir.

By Mr. WASHBURN:

Q. Have they ever sent them back to have the tickets attached? A. They did last fall.

Q. And a year ago last November, did they do that then? A. My impression is not; they talked about it, but I think they finally passed the returns.

Q. Have you a record of the proceedings of the board of county canvassers for a year ago last fall in your possession? A. They are all recorded.

Mr. WASHBURN.—I ask you now for a certified copy of those proceedings and that we shall desire to submit in evidence to show notice had been given by the board of county canvassers of this point in previous years.

Chairman ROESCH.—What difference would that make if that be the law; wouldn't it be the law whether any citizen knew of it or not?

Mr. WASHBURN.—Yes; but they seek to prove custom.

Mr. HIRSCHBERG.—We offer it simply for the purpose of showing if there has been a violation of law it wasn't done with the intention of defrauding any candidate out of his vote.

Mr. WASHBURN.—It might go to show the good intention or otherwise of the inspectors.

Mr. HIRSCHBERG.—If every return is irregular in the county of Orange and Sullivan, but still expresses the actual vote which was cast for these two candidates, the fact that they were irregular in their returns doesn't elect Mr. Lamont instead of Mr. Richardson. That is a plain statement of my point.

Mr. WASHBURN.—We are through with this witness.

GEORGE W. SAYRE, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Where do you reside? A. Warwick.

Q. Are you the supervisor of that town? A. I am.

Q. Have been for some time? A. For the past six years.

Q. Do you recall the circumstance, when before the election last fall a few days that you were called upon by two colored gentlemen with reference to their votes? A. I do.

Q. Who were those colored men? A. I did not know them.

Q. Where did they claim they lived? A. Claimed they lived in the town of Chester.

Q. What did they represent to you or say to you?

Mr. O'NEIL.— We think that is improper and incompetent, what two men said to Mr. Sayre the day before election.

Mr. GARDNER.— They were voters and members of a club and we will follow the proof up and show it is very proper and material.

Mr. O'NEIL.— Whatever declaration they made is not binding upon us.

Chairman ROESCH.— I will allow the evidence.

Q. You were a candidate for sheriff? A. Yes, sir.

Q. On the democratic ticket? A. Yes, sir.

Q. What did they say to you?

Mr. O'NEIL.— We object to the testimony and except.

Chairman ROESCH.— Note the exception.

The WITNESS.— They told me they were from the town of Chester; that there were a number of colored voters there and they asked me what I could do to help them and they said they had been offered something from the Republican party; they didn't tell me who; I told them I had no money to buy votes; I gave them no encouragement and they left me.

Q. Did they say they had or would organize into a club? A. I am not clear on that subject; I know I got the information from some source; I am not clear whether I got it from them or some one else, but it is my impression they told me they were about forming or had formed a club there, or in Chester at some man's house; they told me the man's house.

Q. A man by the name of Redner? A. I think that sounds familiar, but I won't swear to it.

Q. You think that was the name? A. I think so.

Q. Did they mention the number of members in the club? A. They did not.

Q. Did you within a few days before election have a conversation with Mr. Richardson on the subject of election? A. I met Mr. Richardson at different times on campaign tours, as he was and myself also.

Q. Did you meet him in this city? A. I did.

Q. Do you recall any particular conversation that you had with him here on that subject of election? A. A few days before election I think it was, one night when there was a meeting at Highland Falls, I am not positive, but I think that was the night; it was about that

time, at any rate, I met Mr. Richardson in the Merchants' Hotel, about eleven or twelve o'clock, I don't remember just the hour, but it was a pretty late hour, and Mr. Richardson says to me, "If you see anything irregular in your town that is in my interest you must keep your hands off," intimating it would be to my interest to do it; I said I was too good a Democrat to do anything else but vote and work the straight ticket, and I should do all I could in my power to elect it; that is about the substance of the conversation.

By Mr. O'NEIL:

Q. You say these two colored men called upon you, did you know them? A. I did not.

Q. Don't you know who they were? A. No, sir.

Q. Never found out? A. Yes, I found out, but I don't remember their names.

Q. Don't you know where they were from? A. No more than what statement they made to me.

Q. They were simply rambling through the country there? A. They were rambling for money.

Q. What did they say? A. They said they had been offered money by the other side, but didn't tell me how much.

Q. They didn't say they had got it? A. Didn't say they had a cent.

By Mr. GARDNER:

Q. Are either one of those the gentlemen that called on you [two gentlemen stand up]? A. I think the gentleman on that side was one of them; I don't swear to it positive.

By Mr. O'NEIL:

Q. Never saw them before? A. No, sir.

Q. And never saw them since? A. No, sir.

JOHN H. DOTTER, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You reside in Port Jervis and did at the time of the last election? A. Yes, sir.

Q. And was a voter there? A. Yes, sir.

Q. In what district? A. Ninth.

Q. Do you know the Republican worker Weiss? A. Yes, sir.

Q. The one to whom the witness Lindley referred? A. Yes, sir.

Q. Did you see Weiss that day? A. I did.

Q. Did you have any conversation with him on the subject of voting? A. Very little.

Q. State what it was? A. I was to his place; had business; he called me out in the back yard and says: "you know you owe me an account of so much; here is two dollars and a paster; you take that and go on; I took it and went on.

Q. Just handed you two dollars? A. Yes; and credited up my account; I suppose he did.

Q. Canceled his debt against you? A. I suppose he did.

Q. How much was it? A. In the neighborhood of three dollars, or about that; might have been more and might have been less.

Q. What did you do with the money? A. I put it in my pocket.

Q. What did you do with the money you received? A. I used it.

Q. Did you afterward see Mr. Lindley? A. I did.

Q. How soon afterwards? A. I couldn't state positively; shortly afterward; after I voted, probably half an hour or an hour or probably longer.

Q. What ticket did you vote that day? A. Democratic ticket.

Q. Did Weiss want you to vote the Democratic ticket? A. He didn't say in regard to that; he told me to take that and go on.

By Chairman ROESCH :

Q. He gave you a paster? A. Yes, sir.

Q. What was that, Democratic or Republican? A. Republican.

By Mr. GARDNER:

Q. Then you voted a Republican paster? A. I did not.

Chairman ROESCH.—Somebody got left? A. He didn't ask me vote it; he told me to take that and go along; I didn't ask him.

By Chairman ROESCH:

Q. You held on to the two dollars? A. Yes, sir.

By Mr. GARDNER:

Q. What did you do with the paster? A. Mr. Lindley has got it, I believe; I gave it to him.

By Mr. O'NEIL.

Q. This was at Mr. Weiss' place? A. In his back yard.

Q. Where he gave you the two dollars and the paster? A. Yes, sir.

Q. You are positive you voted the Democratic ticket? A. Quite positive.

Q. Voted for Mr. Lamont, the Democratic candidate for senator? A. Yes, sir.

Q. You are a Democrat? A. Yes, sir.

EDWARD GLEASON, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Did you vote in Port Jervis last fall? A. Yes, sir.

Q. In what district? A. Ninth.

Q. Did you see Weiss? A. Yes, sir.

Q. Before or after you voted? A. Before.

Q. Where did you see him? A. In his place.

Q. Did he want you to vote the Republican ticket? A. Yes, sir.

Q. How much did he give you for voting it? A. A dollar.

Q. Did he hand you the money? A. No; not after he gave me a paster.

Q. When did you get your money? A. After I voted.

Q. Did you go back to his place after you voted? A. Yes.

Q. Told him you had voted the paster he had given you? A. Yes.

Q. Then he handed you the dollar? A. Yes, sir.

By Mr. O'NEIL:

Q. I don't suppose it makes much difference what ticket you vote you would vote for a dollar either way? A. Then I satisfy myself.

Q. That does satisfy you pretty well to vote for a dollar, you vote for the dollar instead of the candidate? A. Yes.

Q. That has been your custom since you have been a voter? A. Is it?

Q. Has it? A. I don't know.

By Chairman ROESCH:

Q. How old are you? A. I am about 23.

Q. What do you work at? A. Labor.

Q. Been working lately? A. I am working now on a sewer for a contractor.

Q. Do you live in Port Jervis? A. Yes.

Q. Ever vote before except at the last election? A. Yes, sir.

Q. How often have you voted in your life? A. Two years.

Q. Voted twice? A. Yes, sir.

Q. Did you sell your vote at the election before the last? A. I don't know when that was.

Q. You can't think, can you? A. No.

Q. Ever been in trouble? A. No, sir.

Q. Never been arrested? A. No.

Q. Ever been in the county jail? A. No, sir; nor in the little police court up at Port Jervis.

By Mr. O'NEIL:

Q. Did he give you a paster? A. Give me a paster.

Q. Did you vote the paster he gave you? A. I think I did, yes.

Q. Don't you know whether you did or not? A. That is what I say, I voted it.

Q. Don't you know what it was? A. I didn't look at it, I slapped it right on.

Q. Then you didn't care what it was? A. No.

Q. Whether it was a Richardson ballot or a Lamont ballot, did you, didn't care? A. No.

By Mr. GARDNER:

Q. Do you know any of the rest of the boys that got a little money?

A. Yes, Frank Herman.

Q. Who paid him? A. Theodore Weiss.

Q. How much? A. I don't know, he gave him some money, but he owed him a little bill and he kept that out.

Q. Know anybody else of the boys? A. He does, I suppose, but I don't.

Q. Did you see any of the boys hanging around Weiss that day?

A. Oh, yes; there was lots of them, chuck full.

Q. Fellows that wanted money to vote? A. I think they did, yes.

Q. Boys full too? A. Pretty full.

By Mr. O'NEIL:

Q. You say you saw him hand money to Herman? A. Yes, sir; I saw him hand in some money.

Q. Was he settling up his account at that time? A. I suppose he was; he kept so much out.

Q. Did you hear the conversation between them? A. No; I didn't hear it.

Q. Don't you know what he kept out or what was done? A. I saw him give him some money.

Q. You don't know what it was for, do you? A. No.

Q. You didn't hear him say there to them what it was for? A. No, sir.

E. V. I. SKINNER, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You reside in Port Jervis? A. Yes, sir.

Q. Editor of the Port Jervis Gazette? A. One of the proprietors.

Q. Democratic paper there? A. Yes, sir.

Q. Are you a member of the Democratic club of Port Jervis? A. Yes, sir.

Q. Last fall before election did the party out there secure the services of some detectives? A. Yes, sir.

Q. To detect fraud and corruption at the polls? A. Yes, sir.

Q. Among other detectives was one Thomas Lynch of New York city? A. That was the name given to us.

Q. Mr. Lynch was there? A. Yes, sir.

Q. Acting in the interest of the Democratic club? A. Yes, sir.

Q. And under the pay of the club? A. Yes, sir.

Q. He secured some evidence of corruption and fraud at the polls? A. I can't state the fact; I don't know that to be a fact.

Q. (Producing.) Look at that envelope; was that an envelope which was handed to you by Mr. Lynch? A. Yes, sir; when he left town.

Q. Is that his writing? A. Yes, sir.

Q. When handed to you was it sealed? A. Yes, sir.

Q. Have you ever opened it? A. No, sir.

Q. Do you know the contents of it? A. No, sir.

Q. Will you open it now? A. It is a sealed package left by his agency; I don't know whether I have a right to open it or not; if you say it I will open it; Lynch I believe is in Alabama now.

Mr. O'NEIL.—I can't see how that is material; somebody left a package with him without proving the author of the package.

Mr. GARDNER.—There is something inside there that will give us some clue; Mr. Skinner has some conscientious scruple about opening it.

Q. It was left there for the use of the Democratic club? A. Yes, sir; if they choose to.

Q. Have you any objection to having it opened now? A. Not if I am relieved from all responsibility in the matter, I haven't.

Q. You were a member of that club? A. Yes, sir.

Q. I will open it if you want me to? A. I am not the chooser in that.

Q. I will take the chances of opening it if those were the circumstances under which it was left with you? A. All right, sir; you can do it.

Counsel opens the envelope.

Q. Do you know a man by the name of Matthew Winters? A. Not by name; no, sir; I may know him by sight.

Q. Do you know where Mr. Lynch is; the one that handed you this envelope? A. I understand from the agency that he is in Alabama.

Q. Were there other detectives assisting him that day? A. Yes, sir; there were six altogether.

Q. Where are the others; do you know? A. I don't know.

Q. Where was their office? A. Corner of John street and Broadway; Williamson & Co.

Mr. GARDNER.—This appears to be a list of men from whom these detectives secured money and who paid them, etc.; but I don't suppose I can offer that in evidence.

Q. You know nothing about anything that occurred with reference to Flaherty or Dwyer or any of those other names? A. No, sir; he simply handed me it to put in the safe to keep.

Q. Do you know whether John Flaherty is a voter in the city of Port Jervis? A. I know the name, but I don't know the man; I know Flahertys are there.

Q. Do you know Dwyer? A. That is a familiar name also.

Q. John Dwyer? A. I don't know any of them by name; I might know them by sight; a great many people like that I might know in a business way.

Q. In what district did you vote? A. In the sixth.

Q. Who was the Democratic inspector in that ward? A. I think Moses Depew was one of them; I won't be positive.

Q. Did the detective report to the club or the society that they had secured any evidence of fraud or corruption? A. That I don't know; I think not, because they left the same evening.

Q. Did they do you? A. Not to me; I only knew it as a rumor.

Q. All that was said to you by Lynch was, he handed you this envelope sealed and told you to put it in the safe, and, if you wanted to, use it any future time? A. No; to send for him if I wanted to use it at any future time.

That is all.

Chairman ROESCH.—The committee will take a recess until 2 o'clock.

AFTERNOON SESSION.

BERNARD MITCHELL, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Do you live in Washington street, this city? A. Yes, sir.

Q. In the first ward? A. First ward.

Q. Do you keep a store there? A. Yes, sir.

Q. Is it opposite Mr. Dawson's house, the colored man's house?

A. It is, exactly.

Q. Do you know the house in which Dawson lives? A. Yes, sir.

Q. As well as the store in which you do business? A. Yes, sir.

Q. You were there election day in this store? A. Yes, sir.

Q. The latter part of the day did you observe anybody go in and out of Dawson's house? A. Yes; I saw a crowd of men going in there.

Q. Of colored men? A. Of colored men, I knew a good many of them and a good many I do not know.

Q. About what time of day was this? A. A little after 4 o'clock.

Q. About how many are you able to state at least that you saw go in and out of the house? A. I am able to state I counted sixty and I guess there was a little more in it, but to keep it straight will stop at that.

Q. That was after 4 o'clock? A. Yes; the fact of it is I had to go and wait on customers or I would count more.

Q. Those were all colored men? A. Every one of them.

Q. That is a private house of Dawson's? A. Yes, sir.

By Mr. O'NEIL:

Q. This was last election day? A. Yes, sir.

Q. You stood there and counted sixty? A. Yes, sir.

Q. Did you put them down? A. I did not.

Q. Why were you interested? A. Because in the first place I thought it was a prayer meeting they were going to hold there.

Q. Hence you were interested in seeing the number of converts? A. Yes, I didn't know exactly what brought them there.

Q. You did actually count sixty? A. Yes, sir.

Q. Did you put them down on any paper? A. I did not; I was not paid for that business.

Q. Were you paid to watch them? A. I was not.

Q. No one had requested you to stand there and watch the people that went in Dawson's house? A. No; I had nothing else to do at the time.

Q. You have no knowledge that they went in there for, of your own? A. I will tell you all the knowledge I have.

Q. You simply saw them go in there? A. I saw them going in and his own son came in after that and told me he was paying five dollars and seventy-five cents apiece; if you had held your tongue I wouldn't have told you.

Q. From all you know of your own personal knowledge you know nothing? A. I do not.

By Chairman ROESCH:

Q. That is what Dawson's son told you? A. Yes, sir.

By Mr. O'NEIL:

Q. Did you know any of these men? A. Yes, sir.

By Chairman ROESCH:

Q. Is Dawson's son in the court-room? A. I didn't see him here.

By Mr. O'NEIL:

Q. Give the names of those you know? A. Edward Diamond, I knowed Jim Dubois, Johnson, I don't know his first name, because I call them 'all Mister; I know Mr. Drew, I knowed another man by the name of Jenkins; Mr. Jenkins, I call him; I could give you more, but my memory is very bad now.

Q. These are all the names that you can remember that you saw go in there? A. Yes, sir.

Q. What are your politics? A. I never denied I am a rank Democrat.

PATRICK BURNS, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Where do you reside? A. Port Jarvis.

Q. In what district? A. Ninth.

Q. You voted there last fall? A. Yes, sir.

Q. The inspector in that district? A. Yes, sir.

Q. Will you state what, if anything, you observed there that was irregular in the conduct of that election? A. As far as the irregularity was concerned in that election.

Q. What did you see there that wasn't right? A. I saw this gentleman Weiss.

Q. The Weiss to whom the other witnesses have referred? A. Yes; coming into the voting place in company with voters, and very anxious to put them through; there was one in particular; his name wasn't on the register, and he thought we ought to have him; I told him no; his name wasn't down; there was such a name, but it was on a different street; he wanted to argue with us it was right to get his name on.

Q. Do you remember his name? A. Yes; his name was Charles Dody.

Q. Did you know Dody? A. Yes, sir.

Q. Knew him before election day? A. Yes, sir.

Q. What was he, a purchasable voter? A. We always classed him as a Democrat before, but he was in bad company at that time; I don't know how he was going to vote; I expected; I don't know.

Q. Did he have the reputation of being purchasable? A. He had the reputation of being a Democrat before that day and in the company I seen him in I naturally thought he was going to vote the Republican ticket; I didn't know, though.

Q. Did Weiss come there with any of the witnesses who have been sworn here to-day? A. Yes; he was in company with Mr. Gleason.

Q. Did he bring him up there? A. Yes, sir.

Q. Did he come up to the polls with him? A. Came up to the railing outside.

Q. He was doing that more or less all day? A. Doing that all day.

Q. The class of voters that he came there with were you acquainted with their characters; most of them? A. Yes, sir.

Q. Were they of a purchasable character; any of them? A. Yes, sir; they were commercial men.

Q. How are you able to state that they were? A. At divers times I have seen them purchased before.

Q. Was there any electioneering by any of the Republican workers within the limits of that poll? A. I rather think not.

By Mr. O'NEIL:

Q. You were an inspector at the ninth district? A. Yes, sir.

Q. There were Democratic workers there? A. There were Democratic watchers out around.

Q. Democratic watchers outside of the rail? A. Yes, sir; I believe there was.

Q. How many of them? A. I do not know; they were going and coming there; I was inside, in the room, I couldn't tell what was going on out in the street.

Q. Did you see Mr. Lindley there? A. Yes.

Q. That was the same poll Mr. Lindley was watching? A. Yes.

Q. You saw no vote bought? A. No.

Q. Don't know of anyone buying of your own knowledge? A. Not of my own knowledge; I surmised it.

Q. Don't know there was a single vote influenced to your personal knowledge? A. I would acknowledge I didn't know of any being done.

Q. You saw no irregularities? A. No irregularity.

Q. The votes were fairly counted? A. Yes, sir.

Q. Fairly canvassed? A. Yes, sir.

Q. Honestly returned? Yes, sir.

Q. You are a Democrat? A. Yes, sir.

By Chairman ROESCH:

Q. Did you see any voters bought? A. I didn't see them bought; no.

Q. Any kept away from the polls? A. There was some of them went for and wouldn't come; I really do not know what they were kept away for or stayed away for.

By Mr. GARDNER:

Q. All you know this man Weiss was coming there all day? A. He was in company with those gentlemen, some who didn't vote and some who did vote.

By Mr. O'NEIL:

Q. Were there Democrats bringing voters there too? A. I didn't see any.

Q. Did Mr. Lindley come there with any? A. No, sir.

Q. He was inside the room? A. No, sir; he was not; he came in the door.

Q. Several times, wasn't he? A. Not that I know of.

Q. And others were there besides Mr. Lindley? A. There were parties came in; it was a very cold day; they used to come in there and get a little heat.

Q. The workers came in there of both parties? A. There were no workers there.

Q. The watchers? A. Men that were interested in the election.

Q. Men that were there to watch on both sides would come in there to get warm? A. And to ask how many had voted.

By Mr. GARDNER:

Q. Do you know John Dwyer? A. Yes, sir.

Q. Did he vote in that district? A. No.

Q. Do you know Flaherty? A. Yes, sir.

Q. Did he vote in that district? A. No, sir.

Q. Winters? A. Yes, sir.

Q. Did he vote in that district? A. No, sir.

THAD. MEAD, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live in Port Jervis? A. Yes, sir.

Q. Were you an inspector in one of the districts of the city at last fall's election? A. Yes, sir.

Q. What district? A. The eighth.

Q. Which gave Mr. Richardson a majority of how many? A. Eighty some, I think.

Q. Were you there when the ballots were counted? A. I was.

Q. Did you assist in the counting of the ballots? A. Yes, sir.

Q. Were the ballots separated into three different piles? A. Yes, sir.

Q. After the straights and splits had been separated then they were put into three piles and each inspector counted a pile? A. That is right.

Q. You counted your pile? A. Yes, sir.

Q. And counted it correctly? A. Tried to; yes.

Q. After you counted your pile you announced the result to the chairman of the board? A. Yes, sir.

Q. And he put it down? A. That is right.

Q. The others announced the result of their count to the chair? A. Yes, sir.

Q. And that was put down? A. Yes, sir.

Q. Did you count over the piles the others had counted? A. No, sir.

Q. Did they count your pile over? A. No, sir; they did not.

Q. Did you observe any electioneering that day within the polling limits? A. Yes, sir.

Q. By whom? A. By a man by the name of William Boner.

Q. Is he a Republican worker? A. Yes, sir.

Q. What did you see him doing? A. Saw him give a paster ballot to a colored man by the name of Lorenzo O'Dell; not the O'Dell that has been sworn here, but another man.

Q. Did you see him at different times during the day soliciting votes? A. This was the only time I saw him hand the paster right out.

Q. At other times did you see him talking with the voters? A. Yes; he was talking and working outside and in and inside and out; close by the polls; right up against the railing.

Q. Is it a fact there were a considerable number of men with whom you saw him talking that day, different times? A. I saw him talking with a number of men.

Q. Was there anything else in that district that you observed that day as being irregular? A. That covered all day long.

Q. About what? A. About everything that was irregular.

Q. What other irregularities was there? A. About the voters coming in; they folded their tickets outside of the booths; two men in the booths at a time, and a general row all day.

Q. At any one time do you recall when there were two men in the booths? A. Two or three different times there were two men in the booth.

Q. Were any of the Republican workers in the booth? A. No; the men simply went in; they were voters that went in together.

Q. That is all that you now recall? A. That is all.

By Chairman ROESCH:

Q. Any more than the usual row? A. Nothing like the row we had on the local election in the village; then we had a regular rebellion.

Q. The row last election day wasn't a corker? A. Nothing at all like we had previous; very quiet to what we had on the local election in the village.

By Mr. HIRSCHBERG:

Q. You are a Democrat? A. I am; I am a Hill Democrat.

Q. Of course, you know you are not obliged to criminate yourself; who were your inspectors with you? A. William Bivers was the Democrat inspector and Samuel Andrew Jackson Conklin was the Republican.

Q. Two Democrat inspectors and one Republican inspector? A. Yes, sir.

Q. Did the results so far as you know that were declared there correctly state the result of the ballot? A. So far as I known.

Q. Have you been an inspector frequently? A. Quite frequently.

Q. Did you count the ballots on that day the same as you had done heretofore? A. Always.

Q. It wasn't a departure from the custom? A. Not a bit.

Q. Did you hear what this worker said to the men that he was talking to? A. No, sir.

Q. In no instance? A. Not a word.

WILLIAM WASHINGTON, being duly sworn, testified as follows :

By Mr. GARDNER :

Q. Were you a member of the Sherman Club last fall? A. Yes, sir.

Q. You voted? A. Yes, sir.

Q. What district did you vote in? I voted here at the courthouse.

Q. Did you get any part of that donation? A. No, sir.

Q. Did you receive any money at all on election day? A. No, sir.

Q. Did you the next day after election? A. No, sir.

Q. Sure of that? A. Yes, sir.

Q. Did you see Mr. Dawson on election day? A. I don't think I did.

Q. Don't you know you did? A. I might have saw him but I didn't take notice enough to know whether I did or not.

Q. What did you do in his house that day? A. I didn't go in his house.

Q. Didn't you go there the next day? A. No, sir.

Q. Didn't you go there in the night time? A. No, sir; I ain't been in Mr. Dawson's house I guess in two years.

Q. Did you see Alsdorf on election day? A. No, sir.

Q. Were you in his house on election day? A. No; I haven't been in his house in ten years I guess.

Q. Did you get anything from anybody for your vote? A. Thursday, I guess it was, I got a donation from Mr. Dawson, I guess it was.

Q. How much? A. I didn't take particular notice what it was; I had money in my pocket; Mr. Dawson appeared there and I paid no attention; I had money in my pocket of my own; I don't know whether two, three or four dollars; I guess about five and a half; I had part of my week's pay from Mr. Ramsdell.

Q. That is the reason you can't tell how much Mr. Dawson gave you? A. Yes, sir.

Q. Where were you when Dawson gave it to you? A. Working for Mr. Ramsdell.

Q. What did he give it to you for? A. Donation for the club; he didn't say; I understood that in the club-room.

Q. When, before election? A. Yes, sir.

Q. Who did you understand it from? A. From the club.

Q. Who was it that said? A. I don't know who it was, there was so many of them there, they were all talking there among themselves there would be a donation.

Q. Was that the night Mr. Odell was there? A. I don't know; it might have been as far as I know, I never took any notice; I was sick some time.

Q. When Dawson came and gave you the money he told you it was your share of the donation? A. Yes, sir.

Q. You voted that day? A. Yes, sir.

Q. Who gave you the tickets? A. I got the tickets here I guess.

Q. Who handed them to you? A. I don't know; I got them here where I voted; I got the pasters at the printing office.

Q. What printing office? A. Down to the Journal.

By Mr. HIRSCHBERG:

Q. Did that donation have anything to do with your vote? A. No.

Q. Vote a Republican ticket always? A. I always vote it and nothing else; I vote the Republican ticket ever since I was allowed to vote; I have nothing with other ticket.

Q. You didn't sell your vote? A. I never sold my vote in my life.

Q. Didn't take anything for your vote? A. No.

By Chairman ROESCH:

Q. Can you read? A. Yes, sir; a little; that is one thing Washington won't do.

By Mr. GARDNER:

Q. Were you at the Sherman Club the other night? A. No, sir; I ain't been there since the night before or two nights before election; that is when they were just organizing the club.

By Chairman ROESCH:

Q. The only time you were at the club before election was a night or two before election day? A. Yes; must be two or three nights.

Q. You go to the club once a year? A. About that time, I guess.

Q. You have told the truth, haven't you? A. Yes, sir.

JOHN WILLIAMS, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You voted in what district last fall? A. First district of the second ward.

Q. Were you around the polls during a portion of the day? A. Yes, sir.

Q. Did you observe any electioneering within the poll limits that day? A. Yes, sir.

Q. By whom? A. Withers and Ike Odell.

Q. They Republican workers? A. Yes, sir.

Q. State what you saw and what you did? A. I have occasion by living in the street there to walk up and down generally on election day; generally make it my business, after some years; I have been a worker in my time, lately I haven't done any work; I observed these two parties on the other side of the street interfere with people that went into the poll to vote; on one occasion they stopped one man and they wrestled with him a good deal; I heard the gentleman say, "I am determined, I won't vote that, I want to vote for so and so;" I went across the street and I told them, remonstrated with them, that they were breaking the ballot law that they had made themselves, and I was determined, as far as I was concerned, they should keep within the law, and ordered them to desist; finally the policeman came out on the sidewalk, and I told him what they were doing, and he says, "boys you must get away from here;" and he went inside the poll limits again and they stayed there where they were.

Q. Remained there after your protest? A. Oh, yes.

Q. And after the policeman told them to go away? A. Yes, sir.

Q. Did you see them talking with voters more or less? A. Before that?

Q. Yes? A. Yes; before I remonstrated with them, quite a common thing for them to do at all times.

Q. Do you remember the names of voters, any of them in particular? A. I do not, I didn't take notice of the names, but this gentleman I have reference to particularly I didn't know at all; he went away and didn't vote; went up the street.

By Mr. HIRSCHBERG:

Q. Was he going to vote apparently before you interfered? A. Apparently.

Q. After you interfered he concluded not to vote? A. He didn't go because he went on up the street toward the south.

Q. You don't know who he was? A. I do not.

Q. Whether he was a Democrat or a Republican? A. Do not.

Q. Did you hear what they said to any of the other people? A. Not at all.

Q. Did you hear what they said to this man? A. I don't know what they said individually, I heard this person say.

Q. Did you hear what they said collectively? A. Collectively, together, I don't know what they said.

Q. You don't know what they said to anybody? A. Trying to influence him to vote.

Q. You don't know what they said to anybody? A. Not at all.

Q. You were across the street? A. At one time; at the time I went across I wasn't across the street.

Q. Who else were there besides Odell and Withers? A. No one on the sidewalk at that time only those two right in front of the poll door.

Q. Any one else there at any other time? A. There was Tom Bannan there; he was one of the watchers.

Q. Don't you know both of those men were watchers? A. I do, but what are their right to interfere with voters?

Q. How do you know they interfered? A. Because I saw them doing.

Q. According to your testimony you were the only one that interfered? A. I went over and remonstrated.

Q. You went over and interfered? A. I did go right across the street.

By Mr. GARDNER:

Q. You didn't succeed in interfering? A. They didn't stop for it.

By Mr. HIRSCHBERG:

Q. The man went away and didn't vote after you came away? A. The man didn't have a chance to vote.

By Chairman ROESCH:

Q. When you say you interfered you simply mean you went over there for the purpose of cautioning them against breaking the law? A. That is all.

Q. You interfered only in the sense you wanted to interfere to have them desist from breaking the ballot law? A. Just exactly what I intended doing.

Q. You didn't go over for the purpose of preventing the voter from going in there to vote? A. Not at all.

Q. How were they breaking the ballot law? A. By being within the limits.

Q. How do you know they were interfering with voters? A. Because I swore they were doing it; I know they were doing it.

Q. You don't know what they said to him? A. Yes, I do; I heard this man say, "I won't vote for that man."

Q. You don't know what they said to him? A. When you see them with their pasters poking them in front of him, what would you think of it?

Q. I would think they were doing all right? A. That is so, on your side.

CHARLES PETERSON, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Where do you live? A. I live near Chavillo.

Q. In the town of Chester? A. Yes, sir.

Q. How far is it from Chester where you live? A. Two miles.

Q. Was there a colored club organized in Chester last fall? A. I suppose there was.

Q. Don't you know there was? A. Yes, sir.

Q. What was that club called? A. It had no name; we didn't have time to name it.

Q. How many members belonged to that club? A. Thirty-two.

Q. Were you one of the members? A. Yes, sir.

Q. You voted the Republican ticket? A. Yes, sir.

Q. And for Mr. Richardson? A. Yes, sir.

Q. How much money did you get on election day? A. Six dollars.

Q. Who was it besides you that helped organize this club? A. We got it up between ourselves, us boys; we can flip that town either way we are a mind to; the colored voters.

Q. Who was that man that helped you organize the club, his name is Radner, isn't it? A. Mr. Radner thought it would be a nice thing to show them what we could do; I don't know as he helped organize the club at all.

By Chairman ROESCH :

Q. Were you an officer of the club? A. Yes, sir.

Q. What office did you hold? A. It would have been president if it went far enough.

Q. How long before election day was the club organized? A. I will say a week before election.

Q. Where did you meet? A. Met at my house one night.

Q. How many met at your house? A. Fifteen or sixteen of us.

Q. There were thirty-two in the club at one time? A. That is the names I had.

Q. You never had any regular place for meeting? A. No, sir.

Q. Always met at your house? A. Never met there but once.

Q. Never met anywhere else but at your house? A. Yes, sir.

Q. Where else? A. We met at George Bailey's house once at Westchester.

Q. How many met there? A. About twenty.

Q. Who kept the roll of membership? A. A man named John Powell.

Q. Who was your chairman? A. We had none.

Q. Who got the donation? A. I didn't see any.

Q. You got six dollars of it? A. It was for some work I did.

Q. Do you know any others that got six dollars of it? A. No, sir.

Q. Any others, members of your club get six dollars of it? A. No, sir; I don't think there was a man got anything of it.

Q. You got six dollars of it? A. I did.

Q. Do you think that was the highest any of you got? A. I don't know.

Q. Who did you get your six dollars from? A. A man wanted me to go out on the road, me and my horse, one day, said he would pay me for my day's work.

Q. Election day? A. No; two or three days before election.

Q. Did you do any work? A. I run around a little, scoured the country.

Q. That was a few days before election? A. About three or four days.

Q. You got that six dollars after election? A. Yes, sir.

Q. Two or three days after? A. I got it after election.

Q. You voted the Republican ticket? A. Yes, sir.

Q. Where did you get the paster? A. I didn't have any, I got a ticket.

Q. You voted the ticket that was given you in the poll? A. Yes, sir.

Q. You can read and write? A. Yes, sir.

By Mr. GARDNER:

Q. Can you give the names of the members of that club now? A. Not the whole of them.

Q. Can you give some of them? A. Yes, sir.

Q. Proceed and give them? A. Charley Maginnis, Seeley, John Powell, Pat Degron, Barto, Dennis Finney.

Q. Is he a colored man? A. No.

Q. Was Maginnis a colored man? A. Yes, sir.

Q. Who else? A. I don't know as I can tell you all their names now.

Q. You have a couple of brothers? A. Got one, Thomas.

By Chairman ROESCH:

Q. Did he do some work before election and get paid for it after election? A. No, sir; he ain't that kind.

By Mr. GARDNER:

Q. That is all you can tell of at present? A. I believe so.

Q. Where were you during election day? A. In Chester or Sugar Loaf; I was in Chester in the forenoon.

By Chairman ROESCH:

Q. You only voted in one place? A. That is all.

By Mr. GARDNER:

Q. Did you see a man there by the name of Walsh? A. I saw him around there.

Q. He lives at Goshen, don't he? A. I think he does.

Q. Was he around the polls working that day? A. I didn't see him around the polls at all.

Q. Did any of the members of your club go in around Radner's barn? A. I couldn't say that.

Q. Didn't you? A. No, sir; I did not; I wasn't near his barn.

Q. Didn't see anybody else go there? A. No.

Q. Did you see any of these colored men, members of that club?

A. Yes, sir; saw the whole of them.

Q. In the forenoon? A. Yes, sir.

Q. At Chester? A. Yes, sir.

Q. Were you around at the time they voted? A. Yes, sir.

Q. Did they all vote the Republican ticket? A. I think they did; I tried to get them to; I took them in in a string.

Q. A string of them? A. Yes; if they didn't—

Q. All at one time? Yes; if they didn't then they done the other thing; they agreed to do the straight thing, a straight ticket.

Q. Did they all vote at the same time? A. No, sir.

Q. Who did they agree with to vote the straight ticket? A. We agreed among ourselves.

By Chairman ROESCH:

Q. Was it also agreed among yourselves if they all did the straight thing and voted the straight ticket that they would all share in the donation? A. There was no donation about it; we don't have that up there.

Q. How do you have it? A. We don't have it; if it is there we don't get it; I think it is there sometimes, but it ain't got out among us colored fellows.

Q. Do you think any one of you gets it all? A. I don't think any one of us gets it.

Q. Do you think there was any there at the last election? A. I couldn't say.

By Mr. HIRSCHBERG:

Q. Was any member of the club paid anything for his vote? A. Not that I know of.

Q. Directly or indirectly? A. No, sir.

Q. Anybody make any contribution to the club that you know of? A. No, sir.

Q. Any money used in the club? A. Not that I know of.

Q. Was the club organized at all? A. Nothing more than we met at my house and had a little talk over and agreed to stick together and support the Republican ticket and turn the thing the other way.

Q. Without any expectation of pay from any source? A. Yes.

Q. This is six dollars that was paid to you; was that paid to you in reference to that vote in any respect? A. No.

Q. You say you did some work; what was the nature of the work? A. The boys that was to my house; I took my horse and went around visiting the next day.

Q. Were you paid for driving with your horse and wagon? A. Yes, sir; that is all I did.

Q. That is all you were asked to do? A. Yes, sir.

By Chairman ROESCH:

Q. After they had been to your house the next day you hitched up and drove around to every house and visited them? A. Yes, sir.

Q. And made the bargain with them they should all vote straight? A. That is the way I talked to them to get them to stick together.

Q. Did you promise them anything if they should all vote the one way? A. No, sir.

Q. What reason was there for your going to visit all of them; merely sociability? A. Merely to show what we could do with the town.

Q. You wanted to show what you could do with the town? A. Yes, sir.

Q. What is the town; Democratic or Republican? A. According which way the colored men vote.

Q. It is Democratic or Republican whichever way the colored men vote? A. Yes, sir.

Q. What was it the election before last? A. I couldn't remember that.

Q. You wanted to be sure to make it Republican this election? A. Yes, sir.

Q. How many colored voters do you think there are in that town? A. About forty.

By Mr. HIRSCHBERG:

Q. Was Mr. Richardson's majority in the town of Chester any more this year than it was two years ago? A. I couldn't say.

By Mr. GARDNER:

Q. You say Maginnis was a member of your club? A. Yes, sir.

Q. Did Maginnis wait on George Sayre; he went up to see Mr. Sayre? A. That was Peter Maginnis.

Q. Was Peter a member of your club? A. No, sir.

Q. Was he a colored voter, Peter Maguinnis? A. Yes, sir.

Q. Who was the other man that went with him up to see Sayre? A. I heard it was Norris Earle and William Peterson, a brother of mine, they were off on a drinking spell and they went up there, I think, more for rum than any thing else.

Q. They had been drinking? A. They had been drinking for three or four days; I heard them go up there.

By Chairman ROESCH:

Q. Did they tell you about it themselves? A. No, sir.

By Mr. HIRSCHBERG:

Q. They were on a spree when they went up there? A. Had been for two or three days.

Q. Do you know why they went to Mr. Sayre? A. No; I suppose they were got off that way.

Q. Mr. Sayre keeps a distillery? A. I couldn't say; I have heard that; I never was in his place.

ROBERT W. DUNCAN, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You are an inmate of the alms-house of this city? A. Yes, sir.

Q. You voted at the last election in the seventh district of the first ward? A. Yes, sir.

Q. You saw Herman before you voted that day? A. I did not.

Q. After election you received some money, didn't you? A. I was offered a dollar the day following election.

Q. By whom? A. By James Fleming?

Q. You didn't take it, did you? A. It was offered to me twice and I refused to accept of it.

Q. On what ground? A. I expected to get three dollars.

Q. He went back on his bargain? A. It seems so.

Q. How much did he promise to give you? A. Three dollars.

Q. If you would vote the Republican ticket? A. If I would register and vote the Republican ticket.

Q. Did you see any money passed among the inmates on the Thursday following the election? A. No, sir; I did not.

Q. Any day following the election? A. No, sir; I did not.

Q. Did you see Mr. Fleming pay out any money? A. Pay it to me.

Q. With the exception of yourself? A. Nobody else except myself.

Q. Do you know how many of you fellows went down there to vote that day? A. No, sir, I couldn't give you the exact number.

By Chairman ROESCH:

Q. Was any one else presented any money to your knowledge? A. That I couldn't say.

Q. No one paid any money to your knowledge? A. No, sir; I do not know.

Q. Any one else offered any dollar as you were? A. Not that I know of.

Q. Did you take the dollar? A. I accepted of it as a present from him.

Q. You wanted more? A. I wanted more.

Q. You wanted three dollars? A. Yes.

Q. Couldn't get that and you took the dollar? A. As a present.

By Mr. GARDNER:

Q. Where did you live before you went to the alms-house? A. I lived with my father, corner First and Water streets.

Q. In this city? A. Yes, sir.

Q. How long have you been to the alms house? A. Very near seven years.

By Chairman ROESCH:

Q. How old are you? A. Forty-four.

By Mr. HIRSCHBERG:

Q. Did you register any where else? A. No, sir.

Q. That is the only place you registered and voted? A. Yes, sir.

Q. Did you select that for your residence? A. Yes, sir.

DANIEL W. MILLER, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Do you live at Chester? A. Yes, sir.

Q. Voted there at the last election? A. Yes, sir.

Q. You were one of the members of the board? A. I was an inspector.

Q. During the day did you see these colored voters around the polls that had been spoken of by Peterson or some of them? A. They wasn't inside much at all, they got ready to vote, of course, I couldn't see outside from where I was.

Q. Were you outside during some time of the day? A. Only when I went to dinner, I think.

Q. Did you see any of the colored people in a barn or around a barn? A. Yes; I saw them going that way.

Q. At what time? A. Pretty close to 1 o'clock I think, I went home to my dinner.

Q. How many of them? A. I guess there wasn't only two at that time.

Q. In whose barn were they going? A. James Radner's.

Q. Anybody there with them? A. I couldn't see.

Q. Did the inspectors get up and leave their seats or boxes at any time during the day? We had one inspector there quite a rank Republican, he was out of the polls more than he was in all day.

Q. What was his name? A. George Vail; I kicked and sent for him, but I was the only Democrat in the board and they carried the majority, so I had nothing to say.

By Chairman ROESCH:

Q. Who did his work while he was away? A. The other inspector; I was the Democrat.

Q. You and the other Republican inspector did the work when he was absent? A. Yes, sir; he was out about all the forenoon and came back about noon and said he would take in the ballots then; I didn't think anything of it until after he got to work and I saw why he wanted to take them in; the colored vote commenced to roll in and he wanted to see if the pasters were on; I told him of it at the time, but he was ahead of me; of course, they had the majority over me, but I could see all that was going on.

By Mr. HIRSCHBERG:

Q. Who was he? A. George Vail.

Q. He was the one that went out? A. Yes, sir.

Q. Did you take any advantage of his absence? A. No show for me to take advantage.

Q. You didn't, did you? A. No.

Q. Didn't try to? A. Didn't try to.

Q. The Republicans had as good a show while he was away as if he had been there? A. Yes, sir; the only thing they had a better show when he was out.

Q. Didn't have it in the box? A. No, the box went on all right.

Q. Did you see the ballots that were given in after he came back? A. No.

Q. Did you feel any of them? A. No.

Q. How do you know there were pasters in it? A. I don't know.

Q. You can't say there was a paster in any one of them? A. I couldn't say; I just imagined about the pasters, that is the only time all day he took the votes.

Q. You are testifying to your imagination? A. On that part of it.

By Mr. GARDNER:

Q. Is that the only time during the whole day he took votes or received them? A. Yes; I know it is the only time he took votes all day.

Q. Was when the colored voters voted? A. About noon, there were a few white votes came in at the same time, but there were quite a good many colored votes came in at this time; a couple would come in and then may be a white man, and I accused him at the time; he wouldn't own up to it.

Q. Said it wasn't so? A. Certainly.

Q. What did you accuse him of? A. I told him he was quite a sharp man; it was his turn to take in the ballots, then he knew what time to take his turn too.

Q. Was he soliciting votes outside? A. That I couldn't tell, only what I heard; I was on the inside; I heard that he was, but that I couldn't say.

THEODORE O. MILLER, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live and vote in the town of Chester? A. Yes, sir.

Q. Present at the last election? A. Yes, sir.

Q. At the polls described by the last witness? A. Yes, sir.

Q. Were you around the polls more or less during all the day? A. All day long.

Q. Were you a watcher? A. No, sir.

Q. Nor a member of the board? A. I was a watcher, at noon; that was all.

Q. Did you see these colored men around those polls? A. I saw them around Durlane's store.

Q. How many of them? A. About a dozen.

Q. Did you see them at any other place during the day? A. I saw them going down toward Radner's lane.

Q. Did they go into the barn? A. I couldn't tell that.

Q. Were they all together when you saw them? A. No.

Q. What time of day was this? A. In the forenoon; I couldn't tell exactly what time it was.

Q. Were there as many as a dozen that you saw go in the lane? A. Not altogether; different times.

Q. At different times; at least a dozen? A. Yes; and Mr. Walsh with them.

Q. Walsh, from Goshen? A. Yes, sir.

Q. A Republican worker? A. I suppose he is.

Q. It is a fact that he was working in the interest of the Republican ticket? A. He was down there pretty near all day.

[Question repeated.] A. I think he was; I couldn't say.

Q. Did you see him go in the lane with these colored men? A. He would go right behind them; I don't know where they went to when they went there.

Q. Did you see Mr. Richardson there that day? A. I saw him there in the morning.

Q. At that time? A. Must have been 8 or half-past 8; I saw him going in Mr. Durlane's store.

Q. That is near where these polls are? A. Yes; within about 100 feet.

By Chairman ROESCH:

Q. Richardson know you? A. Yes, sir.

Q. He knew you were a Democrat? A. Yes, sir.

Q. Didn't have much to say to you? A. No; I don't know that he saw me, but I saw him.

That is all.

CHARLES W. SCHOFIELD, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live at Middletown and are the operator for the Western Union Telegraph Company at that place? A. Manager of the office there.

Q. Some week or ten days ago you saw Mr. Washburn, the counsel in this case, in company with another gentlemen at your own office? A. I did.

Q. You were called upon to produce a telegram signed by E. P. Keaner, addressed to W. P. Richardson? A. I was.

Q. On the day of election or the day after election, the fourth of November?

Mr. HIRSCHBERG.—It was published in both of the Middletown papers at the time. If they will produce a copy of the telegram they may introduce it.

Mr. WASHBURN.—Do you admit it was right as published in the paper?

Mr. HIRSCHBERG.—You show it to us, you say you have a copy of it.

Chairman ROESCH.—The witness states he has a telegram in question and to produce which he has been subpoenaed, he refuses to produce the telegram and his refusal is based upon his instructions from his company. It only brings up the old question as to whether we have the right to compel the production of the telegram.

Mr. WASHBURN.—We wanted the witness called to raise that question.

Chairman ROESCH.—You have the question on record now.

Mr. GARDNER.—For another purpose, if they wouldn't concede what the contents were, to prove the contents by him, which would be competent and proper, because we account for its non-production in a legal way; if they will admit it, we will dispense with the necessity.

Chairman ROESCH.—You argue that where you prove the existence of a telegram and then can not produce the original because of the refusal to bring an original into court, you can supply the contents of that telegram by testimony of a man who read it.

Mr. GARDNER.—A man who has seen it and is acquainted with the handwriting of the writer.

Chairman ROESCH.—If you can't produce by force of a rule of law primary evidence quære, can you produce secondary evidence?

Mr. GARDNER.—We claim we can, and can show authorities upon it if you desire it.

Chairman ROESCH.—That point isn't clear to me, the logic of it doesn't seem to be clear to my mind. If you are not permitted by a rule of law to put in evidence the original, that certainly means that you shall not be permitted to put in evidence the contents of that original no matter in what way you may choose to get it into evidence. If that original itself were allowed in evidence and you would prove your inability to produce it, then you might get secondary evidence in, but where you are forbidden by law to produce the original itself it goes to the root of all evidence on the point, it seems to me, and rules out not merely original, but secondary evidence as well. That may be a waste of time to discuss that point just now.

Mr. GARDNER.—It is receivable in evidence on the principle it is a declaration against the writer, against his interest in a criminal prosecution, what he says and what he has done.

Mr. O'NEIL.—If the writer was a party to the suit this principle of law would apply.

Chairman ROESCH.—I understand the other side will admit the copy which is said to be printed in the local papers.

Mr. HIRSCHBERG.—Providing it is correct; if we don't do that we will get the telegram.

Chairman ROESCH.—If not you have got the question presented on record. If you want the original the committee must report the matter to the Senate.

By Mr. GARDNER:

Q. Did you say the Western Union ordered you not to produce this telegram? A. Yes, sir.

Q. Haven't you stated if Mr. Richardson wanted it that you had the liberty to produce it? A. I said so because it is Mr. Richardson's property.

Chairman ROESCH.—I suppose if the sender of a telegram is willing the company should deliver up the original the company would do so.

Mr. WASHBURN.—They offered to produce the telegram upon the subpoena of the other side.

Chairman ROESCH.—That is proof conclusive to that, that they assent to the production of the telegram.

HERBERT H. CASE, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Where do you live? A. Chester.

Q. Vote there at the last election? A. Yes, sir.

Q. Around the polls more or less all day? A. Yes, sir.

Q. Did you see these colored voters around the polls? A. Yes, sir.

Q. What time of the day? A. In the afternoon.

Q. How many of them? A. Three or four.

Q. Who did you see with them? A. Mr. Radner.

Q. Did you see Walsh there that day? A. Yes, sir.

Q. Saw him with them? A. He was behind them, going down the walk in the lane.

Q. Go down the lane into the barn? A. I supposed that was where they were going.

Q. Radney's barn? A. Yes, sir.

Q. Did you see them when they came back? A. No, sir.

Q. What else did you see there that day? A. That is all I seen; I supposed they were going to the barn; they went down to the house.

Q. Who went down to the house? A. These colored people; down the lane by his house.

Q. Did you see that on different occasions during the day, see it more than once? A. No; not more than once.

By Mr. O'NEIL:

Q. How many did you see at that time? A. There was two.

JESSE C. CARPENTER, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Did you vote at the last election in Chester? A. I did not.

Q. You live there? A. Yes, sir.

Q. Around the polls more or less all day? A. No, sir.

Q. No part of the day? A. No, sir.

Q. Did you see Walsh there? A. No, sir.

By Chairman ROESCH:

Q. Are you a Democrat or a Republican? A. I am a Republican.

By Mr. GARDNER:

Q. Who subpoenaed you? A. I don't know what his name was.

Q. Did you say you knew anything about the case? A. No, sir; I haven't read anything about it.

Q. Did you say anything to him or anybody else that you knew anything about this case? A. No, sir.

Q. Where did you vote on election day? A. I didn't vote at all.

Mr. HIRSCHBERG.—That is the trouble with Republicans.

Chairman ROESCH.—Sometimes they don't vote, then again they vote too often.

Q. Did anybody ask you to vote that day? A. Yes, sir.

Q. Who was it? A. George Vail.

Q. Was he a Republican inspector? A. Yes, sir.

Q. Anybody ask you to vote? A. Yes, sir.

Q. Who? A. Fos Wood.

Q. Was he an inspector? A. Yes, sir.

By Mr. O'NEIL:

Q. He is a Democratic inspector, Mr. Wood? A. No; he is a Republican.

HENRY MATTHEWS, recalled:

By Chairman ROESCH:

Q. You were sworn in Albany? A. Yes, sir.

Q. Are you a member of the Sherman Club to-day? A. I don't know whether they turned me out or not; I suppose they have.

Q. Did they turn you out? A. I don't know; I heard they did; that I won't say.

Q. Who told you they turned you out? A. I heard it; only a rumor around the streets; like other rumors that gets around.

By Mr. GARDNER:

Q. You know Dunn that works for Doherty? A. Yes, sir.

Q. Did you see Dunn the next day after election? A. Yes, sir.

Q. He at that time was a member of the Sherman Club? A. Yes, sir.

Q. What time in the day was it you saw Dunn? A. About half-past 6 in the morning.

Q. Did you have any conversation with him? A. I did.

Q. What was it?

Chairman ROESCH.—We went all over that ground.

Mr. HIRSCHBERG.—Dunn was the witness they produced here this morning or yesterday.

Chairman ROESCH.—What do you want to prove by this witness?

Mr. GARDNER.—That he said he got something for his vote.

Mr. O'NEIL.—An impeachment of their own witness.

Mr. GARDNER.—We were surprised.

Mr. O'NEIL.—You can not impeach him.

Chairman ROESCH.—Suppose they were told that he received money, and they subpoenaed him and put him on the stand, and it turns out he didn't, but in point of fact he did?

Mr. HIRSCHBERG.—The point of fact can be proven; they can prove he had money.

Mr. GARDNER.—This goes upon the question that he did.

Mr. O'NEIL.—If they can prove he did receive money, that is admissible.

Mr. HIRSCHBERG.—They are offering this upon the theory he isn't to be believed.

Mr. O'NEIL.—His declaration is an impeachment, but the fact is contradicted; they seek to impeach him by showing he made declarations contrary to what he swears to.

Mr. GARDNER.—Our position is that when the witness is produced—

Chairman ROESCH.—I think you have got enough on that point.

Mr. GARDNER.—Very well.

Q. What did Dunn say to you? A. He met me as I was going to my work and asked me where Mr. Dawson lived; I showed him where Mr. Dawson lived; told him where he lived.

Q. Did he say anything about he wanted to see him to get money for his vote? A. He didn't say about his vote; I want you to distinctly understand this; I am going to tell you just what is fair and right and justice; Mr. Chairman, if you will allow me to explain this thing; I don't want to be rude about it; I have got no sword or axe to grind with anybody; now then, this \$600 was given to the Sherman Club for a donation; I have said that all along; I said that in Albany, didn't I?

Chairman ROESCH.—You did.

The WITNESS.—I said it was not given for votes; didn't I?

Chairman ROESCH.—You did.

The WITNESS.—Now then, I want to explain this thing before Newburgh people; they have got me down to say that I have said that this

money was to give for votes, and I haven't said any such thing; now don't you see, sir; you can all laugh, but the truth is the truth; we got the \$600 to spend just as we had a mind to, and we spent it just as we had a mind to.

By Chairman ROESCH:

Q. You got five dollars and forty-five cents? A. I did, and some besides me got it; now then, we didn't get it for votes.

Q. Anything more you would like to say? A. Yes, sir, I would; now gentlemen, Mr. Chairman, you are a good man I know, and you look like one, and they say around here, Senator Matthews; well, all right, Senator Matthews is Senator all right; the truth is the truth, and we don't want to tell anything else but the truth; I am here to tell the truth, and I don't say nothing but the truth.

PETER P. RODGERS, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Where do you vote? A. Second ward, third district.

Q. There is where you were last election day? A. That is where I voted.

Q. Were you around the polls more or less all day? A. Not in that district.

Q. In what district were you? A. Second district, fourth ward.

Q. What were you, a watcher? A. No, sir; special constable.

Q. Did you see electioneering there? A. Not inside the 150 feet.

Q. Did you see Mr. Hastings that day? A. Yes, sir.

Q. A Republican worker? A. Yes, sir.

Q. What is his first name? A. John, I guess, or Tom.

Q. Did you see him soliciting votes? A. I couldn't say whether he was soliciting votes or not; he was a watcher and he could go out and in as he liked.

Q. Did he bring any voters to the polls to vote? A. He would go out and walk up to the polls with some of them; one or two.

Q. Who were those; can you mention their names? A. I guess Coon and Joy; a couple of them.

Q. Did you see any others that he brought up to the polls that you now can recall, except those two? A. I couldn't say whether he brought them up or not.

Q. How far did he come up toward the polls with them? A. He would come in the carriage-house with them.

Q. Prepare their ballots for them? A. No, sir.

Q. Did you see anything else there that day other than what I have asked you about? A. No, sir.

Q. See any other Republican workers besides Hastings soliciting votes? A. I seen Mr. Henry Rudolph.

Q. Was he within the limits? A. He was inside the carriage-house.

Q. What was he doing? A. Walked up behind a man and went in the booth.

Q. With the man? A. Didn't go in the booth; the man went in the booth.

Q. Do you know the man he went up with? A. Yes.

Q. Who was it? A. I think his name was Maginnis or McGinty.

By Mr. HIRSCHBERG:

Q. What was Mr. Rudolph doing that day? A. He was a watcher.

Q. Entitled to be in there? A. Yes, sir.

Q. When you say this Mr. Hastings was accompanied by Joy, do you know whether Joy brought him there or he brought Joy there, or they both come there together? A. Hastings came there himself.

Q. He didn't bring Joy there? A. No; Joy came himself.

Q. The same way with Coon? A. Yes, sir.

Q. Do you mean to say you saw Mr. Hastings soliciting any votes at all? A. Only talking to them.

Q. Talking to the men he met? A. Yes, sir.

Q. Did you hear what he said to any of them? A. No, sir.

Q. In a single instance? A. No; only they might be talking not with regard to politics.

Q. You didn't see him doing any work at all that day? A. Not inside the 150 feet.

Q. Or any other man, either Rudolph or him? A. Yes; Rudolph left the door of the booth open, he was looking over his shoulder and the inspector called him down.

Q. And he came down? A. He did not as heavy as he did when Beckwith fetched him down.

Q. What are you, a Democrat or Republican? A. I am a Democrat.

CHARLES H. FISHER, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You voted in what district and ward last fall? A. First district of the third ward.

Q. You were a Democrat worker? A. Watcher.

Q. Around the polls all day? A. Yes, sir.

Q. You saw there working that day one Rydell? A. I saw him outside.

Q. You saw him soliciting votes? A. I saw him talking to one or two men.

Q. Was he around the polls all day more or less? A. I think he was.

Q. He wasn't standing around, was he, all the while? A. He was standing at the door of Lawson hose-house.

Q. What was he doing? A. Talking to men as they passed by.

Q. On the subject of voting? A. I couldn't hear what he said, my attention was called to him, I was inside as watcher.

Q. Your attention was called to him? A. To him and another man.

Q. What other man? A. McBurney.

Q. The one that Raiser referred to in his testimony? A. Yes, sir.

Q. What had he been doing? A. Mr. Raiser came in and said McBurney and Rydell were taking men in the Lawson hose-house; I asked him what was he doing with them and he said he thought he was fixing them in there, and I went out to the door and I saw McBurney and Rydell there and I told the policeman I wanted him to put those men outside of the line.

Q. Do you remember who the policeman was? A. Sterling; he said he would talk to them.

Q. What are Sterling's politics? A. He is a Republican.

Q. They stayed there, did they not? A. I went back to the inside of the rail and Raiser came in afterwards and said the men hadn't gone away, so I went outside and saw them there again and I told Sterling if he didn't put those men away I would see they were put away.

Q. What did Sterling say then? A. He said he would go and have them put away.

Q. Did he? A. He went up and spoke to them.

Q. Did they go away? A. They went around the corner.

Q. Did they come back again? A. Yes.

Q. And stayed there? A. For a short time.

Q. That was within how many feet of the polls? A. I think it would be about sixty feet or so.

Q. It was within the poll limits? A. Yes, sir.

Q. The place where Rydell was standing was up within a very few feet; less than twenty, of the voting place? A. I should think about sixty feet.

Q. Were you acquainted with the character of many of the voters with whom McBurney was talking that day? A. Some of them.

Q. Were they of a purchasable character? A. I think so.

Mr. HIRSCHBERG.—We object to that.

Q. Do you know that they were? A. I know.

By Chairman ROESCH:

Q. How do you come to know it? A. I knew they had been purchased before.

Q. How, because you were told so? A. I was told so; one of them asked me one time how much I would give him.

Q. When was that? A. Two or three years ago.

Q. That is all that leads you to believe they were purchasable? A. Yes, sir.

Q. Would you like to have anybody believe you were purchasable simply because some one said so? A. No, sir.

Q. That day did you hear a conversation between Rydell and Raiser? A. No, sir.

Q. Did you hear Rydell say anything to Raiser? A. I saw him speaking to him; I couldn't hear what they said.

Q. Were they talking in a loud, boisterous way? A. I could not hear it; the only time I saw them together I came out to see if there was anybody around there working and I saw them talking together, but I didn't hear what they said.

By Mr. HIRSCHBERG:

Q. You didn't hear what Rydell and McBurney said to any of these men they were talking to? A. I did not.

JOHN E. CARNES, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You were a voter in the town of Monroe last election? A. Yes, sir.

Q. The Democratic inspector of election? A. Yes, sir.

Q. You assisted in the counting of the ballots? A. I did.

Q. Did you see any marked ballots in that district among the ballots which you counted that year? A. I saw some three or four once that I thought were marked.

Q. You saw three or four that you thought were marked; describe in what manner? A. It was a Democratic paster with Mr. Richardson and Mr. McCormack; McCormack's name was scratched off and Grant B. Taylor's name was written on.

Q. Over McCormack? A. Yes, sir.

Q. McCormack wasn't running in this district for Assemblyman, was he? A. No; he was not.

Q. Were there three or four of that kind of ballots which came?
A. Yes; three or four, I don't remember exactly whether three or four, about that number.

Q. Was there six or seven of them? A. There may possibly, I couldn't say positively; there were three or four anyway, probably more.

Q. Did you bring the attention of the other inspectors to that fact?
A. No; not at the time, I don't remember any particular attention to it.

Q. Was there anything said at the time by the board? A. Nothing that I can remember.

Q. What was done with those ballots. A. They were counted in with the others just the same.

Q. Did you presume they were attached to the return which was handed to the supervisor? A. I believe they were.

Q. The return will show for itself? A. It ought to.

Q. You believe that the inspectors did attach those ballots to the return? A. I am almost positive they did.

MR. WASHBURN.—As to this telegram we are now in the possession of two Republican papers published at Middletown which profess to contain a copy of the telegrams, and I propose that these newspapers be put in evidence, with the understanding the counsel on the other side either admit this is a copy of the message or else produce the original.

Chairman ROESCH.—I understand the other side admit it is a copy.

Senator RICHARDSON.—I prefer to get the original copy from the telegraph office.

Mr. HIRSCHBERG.—Suppose they use it with the privilege of substituting the original?

Chairman ROESCH.—Read it to the stenographer.

“MIDDLETOWN, November 4, 1891.

“W. B. RICHARDSON, *Goshen, N. Y.*

“The Independent German Club, of this city, who gave you more than 100 votes, congratulate you upon your triumphant re-election to the senate.

“CHARLES KEANER,

“*President.*”

Mr. GARDNER.—That isn't all the proof that we propose to offer on the subject. We propose to offer in connection with the telegram the bidding for money on the part of the one who signed this telegram, and the asking of Mr. Lamont for financial aid. That we will do by

other witnesses in connection with this telegram, so we will offer it a little out of order; we haven't the evidence here this afternoon to do it by. Will you concede it was written by Mr. Keaner, the president of the club?

Chairman ROESCH.— It is signed Charles Keaner, president.

Mr. HIRSCHBERG.— It is *prima facie* from him.

Chairman ROESCH.— The committee stands adjourned to meet again next Tuesday evening at half-past 7 o'clock in the senate library in the Capitol at Albany.

The committee then adjourned to Tuesday, February 9, 1892, at 7.30 P. M.

Further adjourned to Monday, February 15, 1892, 1 P. M.

MONDAY, February 15, 1892 — 1 P. M.

The committee met pursuant to adjournment.

Present — Chairman ROESCH.

MICHAEL MORGAN, being duly sworn, testified as follows:

By Mr. WASHBURN:

Q. Are you a voter in the town of Deer Park, Orange county? A. Yes.

Q. Did you vote there at the last election? A. I did.

Q. Did you receive from any person any money for voting? A. I did receive two dollars.

Q. From whom did you receive the two dollars? A. Charles St. John.

Q. Did he give you a paster? A. He did.

Q. What kind of a paster was it? A. A Republican paster.

By Chairman ROESCH:

Q. Did you vote that? A. No, sir.

Q. What ticket did you vote? A. The Democratic ticket.

By Mr. WASHBURN:

Q. Where were you at the time St. John gave you the paster ballot?

A. I was in front of Porter's livery stable.

Q. Where were you at the time he gave you the two-dollar bill?

A. Right there.

Q. In what form was the two dollars; was it a two-dollar bill? A. Yes; I believe it was.

Q. Was it in an envelope or was it open? A. No, sir.

Q. In what election district is Porter's livery stable? A. I think in the eighth.

Q. How far from the polling place? A. I should judge about 125 feet.

By Chairman ROESCH:

Q. Did he pay you that before or after you had voted? A. Before I voted; because I didn't vote in that district.

Q. Did he know you didn't vote in that district? A. I don't know as he did.

By Mr. WASHBURN:

Q. Had you voted formerly in that district? A. Yes, sir.

Q. At the election preceding the last election you had voted in that district? A. Yes, sir.

Q. In the meantime you had moved? A. Yes.

By Mr. HIRSCHBERG:

Q. What is your business? A. Molder.

Q. Where are you employed? A. At Swett & Van Etten's foundry.

Q. How long have you lived in Port Jervis? A. About twenty-six years.

Q. You claim that you sold your vote, do you? A. No, sir.

Q. Did you represent to him that you would vote as he wanted you to? A. No, sir.

Q. Did he ask you to? A. He didn't say nothing; he handed me a paster, and — yes he did, too — he says, "will you take that?" I says, "yes."

Q. Go on? A. That's all.

Q. You told Mr. Washburn you received two dollars for voting? A. I received two dollars.

Q. You told him you received two dollars for voting? A. I received a two-dollar bill before I voted, and then I voted in my own district down town.

Q. You told Mr. Washburn you received two dollars for voting; what do you mean by that if you didn't agree to sell your vote? A. I was around there, and I was voting the straight Democratic ticket, and he paid me two dollars for it.

Q. You received two dollars from Mr. St. John for doing it? A. Yes; he gave me two dollars and a Republican paster.

Q. Didn't he say why he gave you the two dollars? A. No; only he said, "will you take this paster?" and I said "yes."

- Q. What did he say the reason was why he gave you the two dollars.
 A. He didn't say anything.
- Q. Not a thing? A. That is what he said.
- Q. You said nothing? A. I took it and walked off.
- Q. What did you do with the two dollars? A. Spent it.
- Q. He didn't ask you how you were going to vote? A. No, sir.
- Q. Where you were going to vote? A. No, sir.
- Q. Or, who you would vote for? A. No, sir.
- Q. Left that entirely to your choice? A. Yes.
- Q. You so understood it? A. I took it that way.
- Q. You didn't take it he wanted to give you two dollars to vote the other ticket? A. No; I supposed when he gave me the Republican paster he had an idea I would vote it.
- Q. You supposed that? A. Yes.
- Q. Did you suppose he gave you the two dollars to induce you to vote it? A. I supposed he done that too.
- Q. That is what you understood at the time; that he gave you that for the purpose of inducing you to vote that paster ticket? A. That is the way I took it, and I didn't vote that paster ticket.
- Q. Did you mean to leave him with the understanding you would vote that paster for the two dollars? A. I didn't think anything about it, whether I would or not; I know I had my privilege which way to vote.
- Q. How do you know you voted the Democratic ticket? A. Because I can read.
- Q. You saw the names on it? A. Yes, sir.
- Q. Mr. Lamont's name on it? A. Yes, sir.
- Q. And you voted for him? A. Yes, sir.
- Q. That you are sure of? A. Yes, sir.
- Q. How far was this from the polls that the two dollars was given to you by Mr. St. John? A. Right in front of Porter's livery stable, I should judge about 125 feet.
- Q. Was it on the sidewalk? A. Yes, sir.
- Q. What time in the day? A. That I couldn't exactly tell you.
- Q. Morning or afternoon? A. I think it was in the afternoon; I wouldn't be positive either way.
- Q. Why not, don't you know? A. I do; but I was around that neighborhood a good deal.
- Q. Why don't you say? A. I think it was in the afternoon.
- Q. Are you sure it was in the afternoon? A. I think it was.
- Q. Many people around there? A. There wasn't many on the sidewalk at the time.

Q. There were some? A. Yes, sir.

Q. In plain sight? A. About ten or fifteen feet from me; not much further than that.

Q. So that they could see what was being done? A. I don't know whether they saw it or not.

Q. They could see it? A. If they were looking at me.

Q. Nothing to prevent their seeing if they looked at you? A. I guess not.

Q. Who were these other people that were there? A. I don't know.

Q. Some of them? A. I couldn't tell you the names.

Q. You have lived in Port Jervis twenty-six years? A. Yes, sir.

Q. Have some acquaintances? A. Yes.

Q. Don't know any of the people that were there? A. I can't call any of them to mind.

Q. Where did you go after receiving this paster? A. I went down town.

Q. The other direction? A. Yes, sir.

Q. Not toward the polls at all? A. No, sir.

Q. Mr. St. John saw you were not going to the polls? A. I don't know; he started off.

Q. Was there anything to prevent his seeing it? A. He wasn't going the way I was at all; he turned around and went in the livery stable; and I went down town.

Q. He didn't ask you to go to the polls? A. He didn't say anything about going to the polls.

Q. Didn't look to see you went that way at all? A. The last I saw of St. John he was going in the livery stable.

Q. You say you don't know whether this was a two-dollar bill? A. I said it was a two-dollar bill.

Q. Did you ask any one else for money that day? A. No, sir; not as I know of.

Q. Think about it? A. No, sir; I don't think I asked anybody at all.

Q. Didn't you ask more money than that of the other side first? A. What other side?

Q. The Democrats? A. No, sir.

Q. Have you always been a Democrat? A. Yes, sir.

Q. Always voted the ticket from principle? A. Yes, sir.

Q. Never received any pay for your vote? A. Not before that; no.

Q. Did you that time? A. I didn't receive it for my vote, because I didn't vote that way.

Q. That is the reason you think you didn't receive it for your vote, is that it, because you didn't vote that way? A. Yes.

Q. That is the only time you ever took money on election day?

A. That is the only time I ever took money on election day that I know of.

Q. Have you ever been in jail? A. No, sir.

Q. You are still employed by this same concern as a molder?

A. Yes, sir.

By Mr. GARDNER:

Q. Who is the first one that you told of this after you got the money? A. George Dawson.

Chairman ROESCH.—What difference does it make.

JOHN DWYER, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live in Port Jervis? A. Yes, sir.

Q. Voted there last fall election? A. Yes, sir.

Q. Get any money for voting? A. No, sir.

Q. Did you get any money on that day from anybody? A. Yes, sir.

Q. How much? A. Half a dollar.

Q. From whom? A. Charles St. John.

Q. After or before you voted? A. Before I voted.

Q. Who gave you the ticket you voted that day? A. I got them down to the polls, I think.

Q. What did St. John say when he gave you the fifty cents?

A. Told me to go out and have a drink.

Q. Did he give you a paster? A. No, sir.

Q. Did you vote the Republican ticket that day? A. Yes, sir.

Q. What did you think he gave you the fifty cents for? A. To go and get a drink.

Q. Cost fifty cents to drink up at Port Jervis? A. No, sir.

By Mr. HIRSCHBERG:

Q. You did go and get a drink? A. Yes.

Q. More than one, perhaps? A. Yes, sir.

By Mr. GARDNER:

Q. You saw a Mr. Lynch after you voted? A. I don't know him.

Q. A detective from New York? A. I don't know who he is.

Q. Did you see a man soon after you voted? A. Yes, sir.

Q. Did you tell him St. John gave you that fifty cents to vote? A. No, sir; I told him he gave it to me to go and have a drink.

By Chairman ROESCH:

Q. Have you a subpoena? A. Yes, sir.

By Mr. GARDNER:

Q. You have seen this man before [indicating]? A. Yes, sir.

Q. You saw him that day after you voted? A. Yes, sir.

Q. Did you tell him that St. John handed you a paster at the time he gave you the fifty cents? A. No, sir.

Q. And that he marked it with his nail? A. No, sir.

Q. Said nothing to him on the subject at all? A. No.

Q. What did you say to him, if anything?

Mr. HIRSCHBERG.—I object to that, as entirely immaterial.

Chairman ROESCH.—What is the object of this?

Mr. GARDNER.—The witness has already made an affidavit he sold his vote for fifty cents and St. John gave him the money; went before a justice and made an affidavit to that effect.

Mr. HIRSCHBERG.—They can't impeach their own witness in that way.

Mr. GARDNER.—The only point is in regard to that paster.

Mr. HIRSCHBERG.—It simply discredits him.

Mr. GARDNER.—That is what I wanted to offer the evidence for.

Mr. HIRSCHBERG.—You can't discredit your own witness.

Mr. GARDNER.—I insist on the right when a witness has made a statement contrary to what he swears on the stand, I have a right to show it, especially when we claim he was acting in the interest of the adverse party, as he was in this case, voting for the Republican ticket at the instigation of a Republican worker. He says "I didn't do so;" we have a right then to ask him if he didn't say so.

Chairman ROESCH.—Suppose witness had told counsel he had received five dollars for his vote and he was called and he goes on the stand and swears he did not receive anything for his vote, don't you think they would have a right to show this witness made a different and other statement?

Mr. HIRSCHBERG.—I never heard any such rule in law.

Mr. GARDNER.—That is the practice in court. More especially is the rule applicable if it is an adverse party. This is an adverse party, an adverse witness.

Chairman ROESCH.—It is not an adverse party; you are discrediting testimony of your own; then you drive me to the conclusion not to believe anything he said.

Mr. COUNTRYMAN.—It is a mere question of failure of proof. A party puts a witness on the stand to prove a certain fact, and he fails to

prove it; can he turn around and impeach his own witness? They must call another witness and try and prove their case.

Chairman ROESCH.—If you are allowed to show by this witness he told you a different story, and that was allowed to go in necessarily, the committee would have to say this man is not worthy of belief at all, in anything he says; either lied when he told you that, or he lied when he was on the stand, and it is difficult for the committee to say when he did lie. I will exclude it.

WILLIAM HARER, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You are in the service of the United States Government at West Point? A. Yes, sir.

Q. Did you vote last fall in the third election district of the town of Highlands? A. I did.

Q. You vote the Republican ticket? A. Yes, sir.

Q. How long have you resided at West Point? A. Thirteen years next June.

Q. Have you a family? A. Yes, sir.

Q. Is their domicile also on West Point territory? A. It is at present.

Q. How long has it been there? A. Two years last October.

Q. Where was it before they came there? A. Town of Highland Falls.

Q. Where you reside is within the ceded territory; on the West Point territory? A. Where I reside at present; yes.

By Mr. HIRSCHBERG:

Q. Where was your legal residence before you went to West Point on the ceded territory? A. In Highland Falls.

Q. That is in the town of where you voted last year? A. Yes, sir.

Q. Were you a voter there then? A. Yes, sir.

Q. How many years had you voted there? A. Six or seven years.

Q. Consecutively? A. Yes, sir.

Q. When did you go to West Point to have your body there? A. I don't understand the question.

Q. When did you first eat and sleep on West Point? A. Eighteen hundred and seventy-nine.

Q. Did you change your legal residence then or did you mean to continue it at Highland Falls? A. I didn't come to West Point from Highland Falls.

Q. Where did you come to West Point from? A. From Peekskill, Westchester county.

Q. How often have you voted since you have been on West Point at Highland Falls? A. Seven or eight times.

Q. How many years have you been at West Point? A. Thirteen years next June.

Q. When did you move from Westchester county? A. Eighteen hundred and seventy-nine.

Q. Where to? A. West Point; I wasn't married at the time.

Q. You married at Highland Falls while you were at West Point? A. Yes, sir.

Q. When? A. Eighteen hundred and eighty-two.

Q. Where did your family live then? A. Highland Falls.

Q. Your family lived at Highland Falls while you were a soldier at the Point? A. Yes, sir; with the exception of the last two years.

Q. And during those ten years you voted at Highland Falls? A. Yes, sir.

Q. Claiming your residence there? A. Yes.

Q. Have you children? A. Four.

Q. Born at Highland Falls? A. With the exception of the last one; three were born at Highland Falls.

Q. Do you know that the question of the right of a soldier to vote was tried in the courts a year or two ago?

Mr. GARDNER.—I object to that.

Chairman ROESCH.—The witness may answer.

The WITNESS.—Yes, sir.

Q. Judge Barnard decided you had a right to vote at Highland Falls? A. Yes.

Q. Do you know the same question was raised in Brooklyn before Judge Bartlett? A. Yes, sir.

Q. And he refused to strike the names off the registry? A. Yes, sir.

By Chairman ROESCH:

Q. Prior to coming to the Point you had lived in Westchester county? A. Yes, sir.

Q. After you had come to the Point you were married in Highland Falls? A. Yes, sir.

Q. You lived with your wife and family at Highland Falls up to two years ago? A. Yes, sir.

Q. Then you moved to the Point? A. Yes, sir.

Q. But you have continued to vote at Highland Falls? A. Yes, sir.

Q. You claim a residence at Highland Falls? A. I do.

Q. You have not voted at any other place but Highland Falls?
A. No other place.

By Mr. DIMMICK:

Q. The district that you voted in this last fall, was it the same district you had always voted in? A. Under this new law; yes, sir.

Q. Prior to the new law, was it the same district you had always voted in? A. The districts under the new law were changed.

Q. Was the territory in which you voted the same territory in which you had voted in the previous years when the districts as to number was different? A. Yes, sir; the same one.

By Mr. HIRSCHBERG:

Q. Did you vote in the district which the inspectors assigned as the district for the voters in Highland Falls to vote, of the soldiers who were engaged for the government at West Point? A. Yes, sir.

JOHN ERNE, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You reside on West Point territory? A. Yes, sir.

Q. Voted in the third election district of the town of Highland Falls last fall? A. Yes, sir.

Q. When did you come to West Point? A. In 1870.

Q. Where did you come from when you came there? A. From Poughkeepsie.

Q. How long had you been living in Poughkeepsie? A. Ever since I was a baby.

Q. Did you ever vote in Poughkeepsie? A. No, sir.

Q. How old were you when you went to the Point? A. Sixteen years.

Q. You have resided there ever since? A. Yes, sir.

Q. You voted the Republican ticket? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. How did you come to vote there at Highland Falls? A. There was a decision made, I think, from Judge Barnard.

Q. You registered there and claimed a right to vote? A. Yes.

Q. Mr. Gardner, the counsel, took out proceedings to compel the inspectors to strike your name off? A. Yes, sir.

Q. They were returnable at Poughkeepsie before Judge Barnard?
A. Yes.

Q. He decided you had a right to vote? A. Yes, sir.

Q. And refused to have your name struck off? A. Yes, sir.

Q. I appeared there at the time as counsel? A. Yes, sir.

JOSEPH BUCAR, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You reside on West Point territory? A. I do.

Q. When did you come there? A. 1883.

Q. Where did you come from? A. Dakota.

Q. You have resided there ever since? A. Ever since.

Q. You voted last fall in the third election district of the town of Highlands? A. I did.

Q. Voted the Republican ticket? A. I did.

By Mr. HIRSCHBERG:

Q. Where did you move to when you left Dakota? A. I went to New York a short time and then came to West Point.

Q. Didn't you go to Highland Falls first? A. I went to West Point to look out how that place suited me, and if I could enlist, and I wrote home my wife at Dakota, telling her the circumstances, if she was satisfied with agreement I made, and I wait in Highland Falls until I could hear from her.

Q. You did go to Highland Falls? A. Yes.

Q. You really enlisted from Highland Fall? A. Yes.

By Chairman ROESCH:

Q. Did your wife come on from Dakota? A. Yes, to West Point; she came a good while after I enlisted.

By Mr. HIRSCHBERG:

Q. Wasn't your case brought up before Judge Barnard? A. Yes.

Q. Didn't he decide you had a right to vote? A. Yes, sir.

Chairman ROESCH.—What is the use of calling any more witnesses and taking up the time of the committee on this point? If that is the decision of the justice, that is the end of it.

Mr. GARDNER.—We have a decision from the county judge, holding that a man under his circumstances wasn't entitled to vote.

Chairman ROESCH.—I do not mean to say the committee is absolutely bound by the decision; the committee might have all the facts before them in a different way from what were before the justice in that case. I would not attempt to sit here and say I would not follow the ruling of a Supreme Court of justice in these cases. I would say that they could put witnesses on the stand whose cases in some particular or element were different from the cases decided, but where they put the very witnesses on the stand whose cases were

before the court, it seems to me I would not be true to my legal education if I did not feel bound by that decision.

Mr. GARDNER.—In the case of a conflict of decisions on the very statement of facts the committee would rather be guided by the decision of the supreme court?

Chairman ROESCH.—No; where you put the question on generally as to the right of these people to vote, I do not want to say the committee is bound by any decision that has been rendered, but I do think the committee is bound in these individual cases.

By Mr. WASHBURN:

Q. How long was it after you came from Dakota before you went to West Point? A. Some two or three months.

Q. You had only been in Highland Falls about two or three months when you enlisted from there; how long were you in Highland Falls after you came from Dakota? A. Once seven or eight days; then I was there two or three nights.

Q. At that time you enlisted after you had been there that short time? A. Yes.

By Mr. TAYLOR:

Q. Did you ever vote in Highland Falls before you enlisted? A. No.

Mr. WASHBURN.—Any decision of the supreme court I think ought to be very thoroughly shown here. If a man is to acquire a residence from Dakota in two or three months.

Chairman ROESCH.—If the case was by a county court as to a particular witness on the stand, I should say that was the end of the matter with me. I wouldn't say that was a general principle that I would follow in all cases, but I will say that is an end of it with me as to these witnesses.

Mr. GARDNER.—We will expedite the matter by producing the poll-list and agree on a state of facts.

Chairman ROESCH.—If seventy voted, that statement could be placed on the record they voted at such a place and you can place upon the record in these cases they had a right to vote; that standing there with those seventy cases and not explained away otherwise the committee would come to the conclusion all seventy had a right to vote.

MARCUS J. LEWIS, being duly sworn, testified as follows:

By Chairman ROESCH:

Q. Where do you live? A. West Point.

Q. Are you in the government service? A. Yes.

Q. As what? A. Bandman.

Q. Have you been subpœnaed to appear before this committee?

A. Yes, sir.

Q. You are here now in obedience to that subpoena? A. Yes, sir.

AUGUST LENTNER, being duly sworn, testified as follows:

By Chairman ROESCH:

Q. Where do you live? A. West Point.

Q. Have you been subpœnaed before this committee? A. Yes, sir.

Q. You are here in obedience to that subpoena ready to testify?

A. Yes, sir.

Q. How far from Albany? A. Ninety-four miles.

ROBERT RIVINIUS, being duly sworn, testified as follows:

By Mr. TAYLOR:

Q. You live on West Point? A. Yes, sir.

Q. Are an enlisted soldier? A. Yes, sir.

Q. Have been subpœnaed before this committee? A. Yes, sir.

Mr. GARDNER.—The counsel for the sitting member and our side will agree upon a statement of facts and submit to the committee as to the place of residence of these voters at West Point.

EDGAR J. VROOMAN, being duly sworn, testified as follows:

By Chairman ROESCH:

Q. Where do you live? A. Newburgh.

Q. Have you been subpœnaed to appear in this case? A. Yes.

Q. How far away from Albany? A. Eighty-five miles.

By Mr. GARDNER:

Q. You vote in the city of Newburgh, did last fall? A. Yes.

Q. Fourth district of the first ward? A. Yes, sir.

Q. You were a watcher? A. Yes, sir.

Q. Were you present when the votes were counted? A. Part of the time.

Q. Did you observe Democratic as well as Republican watchers counting the votes that night? A. I did.

Q. Upon which the result was announced? A. I wasn't there when the result was announced.

Q. You saw them counting the votes? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. Did the inspectors count them too? A. Yes, sir.

MATTHEW WINTERS, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Last fall, you voted in the city of Port Jervis? A. Yes, sir.

Q. Voted the Republican ticket? A. No, sir.

Q. Do you know which ticket you did vote? A. Democratic ticket.

Q. Did you receive any money on the day of election? A. Yes, sir.

Q. From whom did you receive the money? A. Charles St. John.

Q. Is he a Republican worker? A. I guess he is; yes, sir.

Q. How much did you receive from him? A. Two dollars.

Q. What did you do with the two dollars you received? A. Spent it.

Q. Did you at once tell anybody of it after you had voted? A. Yes.

Q. When you received the two dollars? A. Not right after I received it I didn't.

Q. When you received the two dollars what did you get with it, if anything? A. I didn't get nothing.

Q. Was a paster handed to you? A. That was before he give me the two dollars.

Q. He first handed you a paster? A. Yes, sir.

Q. You went and voted it? A. No.

Q. How soon after he handed you the paster did he give you the two dollars? A. Twenty or twenty-five minutes.

Q. Did he give you the money after or before you voted? A. He gave me the money after I voted.

By Chairman ROESCH:

Q. What paster was it, Democrat or Republican? A. Republican.

Q. Did you go into the polling place with that paster in your hand? A. No, sir.

Q. Did you take it with you into the polling place? A. No, sir.

Q. Did you vote it? A. No, sir.

Q. You got the paster and then you went in and voted, but you didn't vote that paster? A. No, sir.

Q. After you came out and had voted you got your two dollars? A. Yes, sir.

Q. What did he say to you when he gave you the two dollars?

A. He says "Here is two dollars; go and treat the boys."

Q. What did you suppose you got the two dollars for? A. I suppose he give it to me; thought I would put in a Republican paster.

Q. Did you put in a Democratic paster? A. No, sir; I don't believe I did.

Q. What paster did you put in? A. Ain't there tickets without pasters?

Q. You put a ballot in without a paster? A. Yes, sir.

By Chairman ROESCH:

Q. You voted the straight Democratic ticket? A. Yes.

Q. Without scratching any name off? A. I don't believe I scratched a name off.

Q. Where did you get the two dollars? A. On the corner.

Q. On the sidewalk? A. Yes, sir.

Q. Who was around there at the time? A. Nobody.

Q. Where do you work? A. On the Erie road.

Q. In what capacity? A. Brakeman.

Q. Where do you live in Port Jervis? A. I live on King street.

Q. Who with? A. My mother, Bridget Winters.

Q. Did he ask you to vote that ticket when he gave you the money; ask you how you had voted? A. No, sir; he says "how is it;" I says "all right."

Q. Did he promise you anything when you went into vote? A. No, sir.

Q. Did you ask him anything when you went into vote? A. No sir.

Q. Didn't promise to pay you anything when you went in to vote? A. No, sir.

Q. Didn't say he would give you two dollars if you voted that paster? A. No, sir.

Q. Nothing of that kind? A. Yes, sir; that is so.

By Chairman ROESCH:

Q. Did he say nothing at all to you when he handed you the paster? A. He asked me had I voted.

Q. Where were you when he first spoke to you? A. At the corner where he gave me the two dollars.

Q. How far away is that from the place in which you voted? A. Four hundred feet.

Q. Was it also at that place he handed you the paster? A. Yes, sir.

Q. It was also at that place he paid you the money? A. Yes, sir.

Q. He said nothing to you when he gave you the paster? A. He said, "Have you voted yet?" I said, "no, sir."

Q. What did he say? A. He handed me the paster.

Q. Said nothing? A. Said nothing.

Q. Didn't tell you to go in and vote that and come out and let him know? A. No, sir.

Q. You then went with that paster, but you didn't vote it? A. No, sir.

Q. You voted the Democratic ballot without a paster on it? A. I forget whether I put the paster on the Democratic ticket or not.

Q. Can you write? A. A little bit.

Q. Can you read? A. Yes, sir.

Q. Where were you born? A. I was born in Cochection.

Q. Where did you go to school? A. Port Jervis.

Q. He gave you this two dollars at the corner? A. Yes, sir.

Q. There was nobody else around? A. No, sir.

Q. What time of day was it? A. After 11 o'clock.

Q. What time in the day was it you voted? A. It may be a quarter past 11.

Q. Did he give it to you in an envelope? A. No, sir.

Q. Just handed you the money, a single two-dollar bill? A. A single dollar and a one-dollar bill.

Q. A one-dollar bill and a silver dollar? A. Yes, sir.

Q. You are sure about that? A. Yes, sir; pretty sure.

Q. Did he give it to you openly, publicly, as one man would give another money to which the other was entitled? A. No, sir; he slid it to me.

By Mr. HIRSCHBERG:

Q. There was nobody around? A. No, sir.

Q. Why did he slide it to you? A. He slid it along; down along the side of me.

Q. Your hand went alongside there, too? A. Yes.

Q. Why did he do that if there was nobody there to see it? A. The Delaware House was right across the street; people in.

By Chairman ROESCH:

Q. Did he ask you then and there whether you had voted his paster? A. No, sir.

Q. Did you tell him you had voted his ticket? A. No, sir.

Q. Did you expect if you did not tell him that you had voted his ticket that you would not get the two dollars? A. I suppose if I told him I didn't vote his ticket I wouldn't get it.

Q. You told him you voted his ticket in order to get the two dollars? A. I didn't tell him; he didn't ask me.

Q. He took it for granted; is that what you mean? A. I suppose he thought so.

WILLIAM BONER, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You reside in the city of Port Jervis? A. I do.

Q. And was at work at the polls, last fall election? A. I was around the polls.

Q. In the interest of the Republican candidates? A. I didn't say so.

Q. Were you? A. I was working for my party ticket; I am a Republican.

Q. In what district did you vote? A. In the eighth.

Q. Did you have any money in your possession that day? A. No, sir, no more than what belonged to me, that I earned.

Q. You did have some? A. My own money.

Q. How much did you have? A. About two dollars, two and a half; may be a little more.

Q. Did you solicit anybody to vote that day the Republican ticket? A. No, sir.

Q. What were you engaged at if anything about the polls in the eighth district? A. I had some pasters; I was soliciting as far as this went, trying to do all that I could for my party, but not with no money.

Q. You had pasters with you A. I did.

Q. And talking with voters, asking them if they couldn't vote your pasters, that you had, more or less all day you were engaged in that business? A. I was there off and on.

Q. Did you prepare the pasters for anybody to vote that day? A. No, sir; not that I remember of.

Q. Will you swear you didn't? A. I will swear to the best of my knowledge and belief I didn't.

Q. Were you talking in any particular building that day with some voters? A. No; all the building I was in, I went in with some of my Democratic friends in the Park hotel, and had a drink.

Q. You were not in any building working with voters that day with reference to the way they should vote? A. Not that I know of; not that I can remember.

Q. Did you tell any voter who to go to after they had voted? A. No, sir; distinctly, no, sir.

By Chairman ROESCH:

Q. Was there any one place around the polling place in which you instructed voters or requested voters to meet you? A. There was not.

Q. To get any instructions from you? A. There was not, to my knowledge.

Q. Did you see St. John that day? A. I saw him when he came up to the polls once or twice; he asked how it was going, and I told him it was a hard thing to tell.

Q. You didn't tell any man to go and see St. John that day? A. No, sir.

Q. Did you see St. John the day before election? A. I saw him on the street.

Q. Did you have any conferences with him on the subject of elections at all? A. No, sir.

Q. At any time before election? A. No, sir.

Q. Did you after election? A. No, sir.

Q. You got paid for your day's work, I suppose? A. No; I didn't get no pay for it.

Q. Didn't you ask anybody for pay? A. No, sir.

Q. Did you have any conversation with a colored man by the name of Odell that day? A. I did.

Q. Did you ask him to vote? A. No; I didn't ask him to vote.

Q. Did you show him a paster? A. I gave him one.

Q. Did you give him anything else when you gave him the paster? A. I did not.

Q. Did you promise to give him anything? A. I did not.

Q. Was it a Republican paster you gave him? A. It was.

Q. Did he see you after he voted? A. No, sir.

By Mr. HIRSCHBERG:

Q. Do you know these witnesses that are here from Port Jervis to-day? A. I know the most of them.

Q. Did either of them speak to you about money that day? A. Yes, sir.

Q. Which one? A. The first witness, Mickie Morgan; he asked me half a dozen times during the last two hours the polls were open if I wouldn't give him three dollars and fifty cents; I told him I had nothing for him; he still persisted, and I says, "I haven't any money;" he says, "I have got to have pay for my day's work;" I says, "Don't look to me for pay for your day's work, for I haven't any money."

Q. Do you know whether there was any money used on election day? A. Not to my knowledge.

Q. Was there any on the other side? A. Not to my knowledge.

Q. You don't know about that? A. No, sir; I would like to correct a statement made here before in reference to this giving a paster to

Lorenzo Odell; this, gentlemen, I am prepared to substantiate by four good, reliable witnesses; I was standing on the side entrance of the Park Hotel, at the least calculation 250 or 275 feet from the polling place; Lorenzo Odell, a colored man, came up; he says, "Good morning;" I says, "Good morning, Lorenzo;" he says, "Have you got any tickets?" I says, "No, sir; I have not;" another gentleman by the name of Johnson said, "Lorenzo, you will have to get your tickets over in the booth;" he says, "I want one of them stickers;" I says, "I can give you one of them;" I gave it to him; he started off Main street; I hollered to him, "Lorenzo, are you going to vote?" he says, "No; I have a job to-day, and I won't be back until after dinner;" that was the last I saw of Mr. Odell all that day.

LORENZO ODELL, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You voted last fall in Port Jervis? A. Yes, sir.

Q. Before you voted did you see the last witness that was sworn, Mr. Boher? A. Yes, sir.

Q. Did he give you a paster? A. Not at that time.

Q. Did he at any time during the day? A. Yes, sir.

Q. Did he give you any money that day? A. Yes, sir; I believe he did.

Q. How much? A. Two dollars.

Q. When did he give it to you? A. I don't know what time of day it was; afternoon, I think.

Q. Was it after or before you voted? A. After I voted.

Q. You voted the paster he gave you? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. Who was there when he gave it to you? A. Nobody but me and him.

Q. Where were you? A. I ain't sure whether it was on the Park House corner or whether it was between the polls and the livery stable.

Q. It was one place or the other? A. One place or the other.

Q. On the sidewalk in Port Jervis? A. Yes, sir.

Q. In the thickest part of the village? A. There was no one around, though.

Q. What time of day was it? A. I don't know whether it was in the forenoon or afternoon, but I think it was the afternoon.

Q. Why don't you know? A. Because I don't; I didn't keep no such thing in my memory; in other words, I was working that day, and I didn't take much time to think of anything.

Q. There was nobody on the street at all? A. On the street, but nowheres near around where we was that I know of.

Q. What were you working at? A. Digging a ditch for a sewer in Mr. Marvin's yard.

Q. That is away up in the village? A. Up in Brooklyn.

Q. You were working there all day? A. I came down to vote.

Q. When did you come down to vote? A. I think it was in the afternoon; I know it wasn't in the morning; now, I am sure of it; I stayed and worked for a day, and when noon came I came down to the polls, and I went back in the afternoon to work again.

Q. What time did you go back in the afternoon? A. One o'clock or a little after.

Q. What time did you come down to the polls? A. When the whistle blowed for noon, and went back a little after 1.

Q. This was between 12 and 1? A. Must be.

Q. That is the time when the streets are more crowded than any other? A. No, sir.

Q. Men going to their work and to the polls? A. And to their dinner.

Q. There wasn't anybody around there? A. Not that I know of.

Q. Handed you this money right on the sidewalk? A. No, sir.

Q. Where did he hand it to you? A. Into a little place, a little building.

Q. What little building? A. A man named Dore.

Q. What is his business? A. I don't know; papers and things.

Q. What street is that on? A. Pike street.

Q. What number? A. I don't know what number.

Q. Why did you swear you didn't know where he gave it to you before? A. I mean the paster.

Q. The money I am talking about? A. He gave it to me in a little store.

Q. The same as the paster? A. The paster he gave to me on the sidewalk.

Q. He gave you the money in this store? A. Yes.

Q. Why did you say before you didn't know where he gave you the money, whether on the corner or between the polls and the other place? A. I meant the paster.

Q. What time did you get the paster? A. Between 12 and 1 o'clock.

Q. Before or after you voted? A. After I voted.

Q. How long after you voted? A. I don't know that.

Q. How long was it before you voted that you got the paster? A. I went right away and voted after I got the paster.

Q. Who was in this place of Dore's when you went in to get the money? A. Nobody but himself.

Q. Who was "himself?" A. A man I know; his name is Dore; that's all I know about it.

Q. Was Mr. Dore where he could see you? A. I didn't see him looking; he was attending to his own business.

Q. Have you ever been in jail? A. I was there once or twice for getting drunk.

Q. Were you ever in there for anything else? A. No, sir.

Q. Were you drunk that day? A. No, sir; didn't drink a drop that day?

By Chairman ROESCH:

Q. Didn't you drink anything after you got the money? A. No, sir.

Q. What kind of money was this, in bills or silver? A. Two-dollar bill.

Q. One two-dollar bill? A. One two-dollar bill.

Q. How did he give it to you; did he slide it to you? A. He kind of handed it to me that way.

Q. Handed it to you right out? A. Not right out.

Q. How was it? A. I couldn't exactly tell you.

Q. What do you work at now? A. I ain't doing anything now, much of any account, but when I am working I am working for the water company.

Q. You live now in Port Jervis? A. Yes, sir; I have lived there about twenty-six years.

Q. Voting there all the time? A. Yes, sir.

Q. Can you read? A. A little, not much.

Q. Can you read enough to be able to say what paster it was he gave you? A. No, sir.

Q. You don't know whether it was a Democratic? A. I don't think it was, because he is a Republican man and a good, strong one, too.

By Mr. HIRSCHBERG:

Q. Do you always vote the Republican ticket? A. Yes, sir.

By Chairman ROESCH:

Q. You went in and slapped this paster on a ballot and voted?
A. Yes.

Q. What did he say to you when he gave you the two dollars?
A. Didn't say anything; just handed it to me.

Q. Open? A. No, sir; had it in his hand.

Q. Two-dollar bill opened out or crumbled up? A. Just crumbled up; anybody that took notice could see it.

Q. You could see it? A. I see it.

By Mr. HIRSCHBERG :

Q. Did he give it to you for voting? A. I don't know.

Q. Did he promise to give you anything when you voted? A. I asked him, when he asked me had I voted; I told him I hadn't; he asked me was I going to vote; I told him I would after a while; I don't remember what he said then; I said, "How much is in it?" he said, "a dollar;" I says, "No, sir; I guess I won't vote for that; I want two," and he give me two.

Q. Have you been promised anything for coming here and swearing to this? A. No, sir; not a cent.

Q. Who paid your expenses here? A. William Martin, the man that came with us.

Q. You have not been promised anything? A. Not a thing.

Q. Have you been paid anything? A. No, sir; ain't had a thing, even to a drink of water; yes; I did have that.

By Mr. GARDNER:

Q. Do you know Ben Williams up there? A. Yes, sir.

Q. Did he get anything for his vote? A. I do not know.

Q. Did he say anything to you about it?

Mr. HIRSCHBERG.—I object to that.

Chairman ROESCH.—Produce the man himself.

Q. Do you know Charles Broadhead? A. Yes, sir.

Q. Did he get anything for his vote? A. I don't know, only what he said.

Q. What did he say?

Mr. HIRSCHBERG.—I object to that.

Mr. GARDNER.—We can't secure these two witnesses.

Chairman ROESCH.—For what reason?

Mr. GARDNER.—They are out of the State, as I understand it.

Mr. COUNTRYMAN.—Is that any reason for introducing hearsay?

Q. Were you around about the time they voted? A. No, sir.

Q. All you know about whether they got anything or not is what they told you? A. I asked them when I was coming from my work at noon and they were going home; I wanted to know, because I wanted to be in it too.

WILLIAM BONER, recalled.

By Mr. HIRSCHBERG:

Q. How long have you lived in Port Jervis? A. I came in Port Jervis September, 1872.

Q. Lived there ever since? A. Yes, sir.

Q. How are you employed there? A. A packer of glassware in the Orange County Plate-glass Works.

Q. Been employed there this twenty years? A. Very near twenty years.

Q. You have heard the testimony of this negro? A. I have.

Q. Is there any truth in the statement? A. Not one word.

Q. Did you pay him two dollars? A. I did not.

Q. Were you at the polls at all during the time he mentioned? A. I went to my dinner with my two children that goes to school to the academy; as I came around the corner those two came, and I went up to dinner with them.

Q. How long was it before you came back? A. I think, to the best of my knowledge and belief, it was ten minutes past 1.

Q. About noon when you went to dinner? A. Yes.

Q. Did you take him into this place of Dore's and give him two dollars, or any sum of money? A. No, sir.

Q. Were you in there with him at all? A. No, sir; I never saw him only that one time; I gave him the paster then.

Q. He walked away? A. He walked away down Main street.

Q. Didn't vote at all? A. No, sir.

Q. You didn't see him again that day afterwards? A. No, sir.

Q. That you can prove by other witnesses? A. Four different witnesses stood there at the time; I know some of them remembered it because I asked them Saturday night.

Q. You heard he was coming here to testify? A. Yes; they have been ransacking Port Jervis all over.

By Chairman ROESCH:

Q. You know him? A. Certainly I do.

Q. You met him on election day? A. I met him at the time I stated.

Q. You gave him the paster? A. Yes.

Q. He is right when he swears he got a paster of you? A. Yes.

Q. You stop there; you didn't go any further with him? A. I did not.

Q. You didn't go to that building with him? A. No, sir; I did not.

Q. You didn't give him a two-dollar bill? A. I did not.

Q. You are a Republican? A. I am.

Q. And have been such ever since your residence in Port Jervis?
A. No, sir; ever since Cleveland run for president; then I changed my politics; always a Democrat before.

Q. You mean 1884 or 1888? A. Eighteen hundred and eighty-four.

Q. Are you an officer of a Republican organization? A. No, sir; I don't belong to no Republican organization.

Q. What were you doing there on election day? A. I was there.

Q. Supporting your party and doing all you could? A. Yes.

Q. Were you engaged in the same kind of work, that is working for the Republican party a year ago? A. I was.

Q. At the election prior to the last? A. I was there.

Q. How long have you known him? A. That would be hard to tell, but I think perhaps ten or twelve years.

Q. You have met him on former election days, have you not? A. No, sir.

Q. Have you not at any former election asked him to vote your ticket? A. I have asked him if he would vote the ticket.

Q. At former elections you handed him Republican ballots? A. I don't know that I ever handed him a ballot; I have tried to ask him to go and vote.

Q. He says that you gave him a paster; that he voted that paster and that after having voted that paster you gave him a two dollar bill in this store; you say you gave him the paster? A. I gave him the paster.

Q. But you didn't give him the two-dollar bill? A. No, sir; and there were four gentlemen stood right around me.

Q. He says nobody stood around where you gave him the bill; what do you say to that? A. I didn't give him no bill.

Q. Did you go into that store with him? A. No, sir; I did not.

Q. How far away is that store from the store at which you gave him the paster? A. One hundred and seventy-five or 200 feet.

Q. Had you been in the store at all election day? A. I went in to get a cigar; that is all.

Q. Met nobody in there? A. No; there was one or two persons in there at the time I went in.

Q. You went in to get a cigar but one time? A. I may have went in once or twice.

Q. Every time you went in you went in to get a cigar? A. All the time I went in; I don't think I was in there over twice that day.

Q. You went in for no other purpose? A. No other purpose.

Q. Was this a cigar store? A. Yes, sir; stationery and newspaper office and cigars; Nelson B. Dore.

Q. Have you ever had any trouble with him? A. No, sir; not to my knowledge.

Q. Ever had any words with him? A. No, sir.

By Mr. HIRSCHBERG:

Q. You knew he was a Republican? A. Certainly.

Q. I understand you to say when you gave him the paster he said he didn't intend to vote? A. Not until after dinner; he went off directly from me, because there were four of them wanted a drink and we were going over.

By Chairman ROESCH:

Q. He says you asked him had he voted, and he said no; you asked him was he going to vote; he said he was going to vote later on; then he asked you how much was in it, and you told him a dollar; is that false? A. That is false.

Q. Then he says he said to you he wouldn't vote for a dollar; he wanted two dollars; is that false? A. That is false.

Q. He says you then gave him the two dollars; is that false? A. That is false.

Q. Then the story he tells here in detail, as a negro, as to your meeting him in this place, you declare to be a falsehood? A. All beyond the fact; I gave him a paster when I said I did, at 10 o'clock in the forenoon.

Q. He says he was at work until the whistle blew on election day, and that he was not working during the dinner hour; met you during the dinner hour, and went back to his work shortly after 1 o'clock? A. That is my evidence; I stand ready to substantiate it by four reputable men.

LORENZO ODELL, recalled:

By Chairman ROESCH:

Q. You have listened to Boner testify? A. Yes, sir; I have listened good.

Q. Do you know that you have taken an oath to tell the truth? A. Yes, sir.

Q. You have sworn? A. Yes; and am willing to do it again.

Q. You have listened to Mr. Boner's story? A. Yes.

Q. He has heard yours? A. Yes, sir.

Q. He says that you lie; what do you say? A. I say I don't lie; I am willing to take all the oaths from now until 6 o'clock, that I have

told the truth all the way through; that he paid me the two-dollar bill in Mr. Dore's, and he give me the paster on the sidewalk at dinner time, between dinner hour, 12 and 1 o'clock; that was the time; a little after 1 o'clock I went back to my work.

Q. Didn't you see him before 12 o'clock? A. Yes, sir.

Q. Before 12? A. No; I didn't see him before 12.

Q. You saw him about 10? A. No; I was to work about 10 o'clock.

Q. It was about 11 o'clock? A. No, sir; I am sure about that.

Q. Suppose your boss was to come here and swear you didn't work there at all election day? A. I wouldn't be afraid if he was here this moment.

Q. How long have you known Boner? A. I don't know exactly how long; I have no doubt it was eight or nine or ten years.

Q. Ever have any trouble with him? A. No; me and him have always been the best of friends.

Q. How much did you get for your vote at the election before the last? A. I don't know as I got anything; I know he didn't have nothing to say to me or didn't bother me at that time.

Q. Did you ever before, at any election, get any money from Boner? A. No, sir; never.

Q. Did he promise you any? A. No, sir.

Q. This is the only time? A. This is the only time.

Q. It is a pretty hard thing for you to swear false and put a man in such a light as that? A. I wouldn't do it under no circumstances, unless it was — well, you know what I mean, necessary; that is, to tell the truth and do it; to lie, I ain't agoing to do it.

By Mr. HIRSCHBERG:

Q. You would sell your vote for two dollars? A. No, sir.

Q. You said one dollar wasn't enough, but you wouldn't lie? A. No.

By Chairman ROESCH:

Q. You vote the same ticket he does? A. Yes.

Q. You don't consider that selling your vote because you vote the same ticket anyway? A. That is what I mean.

Q. Did you say you had been locked up? A. I have been in jail for getting drunk; I have been in three or four times for that.

By Mr. HIRSCHBERG:

Q. Do you know Mr. Clarence Knight? A. Yes.

Q. And William Johnson? A. I do.

Q. And some other Johnsons? A. I know three or four Johnsons.

Q. Didn't you meet Mr. Boner that election morning when he was

with these four men? A. No, sir; didn't meet him any time except between 12 and 1 o'clock.

Q. Then he was alone? A. He was alone; no; he was talking to two or three men lower down from the polls.

Q. Who were they? A. I don't know who they were.

Q. Strangers? A. No; they weren't strangers, but I didn't notice who they were; they went on to their dinner, I suppose, and that is the time I met him.

Q. He had three or four men with him? A. No.

Q. Were they these men I have named? A. I don't think it was.

Q. Why don't you think they were? A. I don't know who they were; I know they wasn't no strange men.

Q. These men belong to Port Jervis? A. Yes.

Q. That is no reason for saying it wasn't them? A. I couldn't say.

WILLIAM MARTIN, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live in Port Jervis? A. Yes, sir.

Q. And voted there last election? A. Yes, sir.

Q. And know Mr. Boner? A. Yes, sir.

Q. Known him for some years? A. I don't know just how long; I have known him by sight quite a while.

Q. You saw him last election day? A. Yes, sir.

Q. Did you see him working around the polls in the eighth district? A. Yes, sir.

Q. Was he actively engaged in the soliciting of votes? A. Seemed to be very much.

Q. Within the 150 feet of the polls? A. Yes, sir; all the way from the door to within 150 feet.

Q. Did he have pasters in his hands? A. I couldn't exactly say; he was very busy; having men by the arms; backwards and forwards with them.

Q. Close to the polls? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. You didn't see what he did? A. No; I wasn't there but a little while.

Q. You didn't see him buy any votes? A. No, sir.

Q. You are the gentleman referred to as having brought these witnesses from Port Jervis? A. I came with them.

Q. Paid their expenses? A. Yes, sir.

Q. Money furnished to you? A. No, sir.

Q. With your own money? A. Yes, sir.

By Mr. DIMMICK:

Q. Expect to take it out of their subpoena fee? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. Did you work any on election day? A. No, sir.

Q. What can you swear you saw him do within 150 feet of the polls? A. I saw men going to him and men sent to him, and I see him rushing around.

Q. Didn't hear a word he said to anybody? A. I heard, but I couldn't say now.

WILLIAM F. SEELEY, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Where do you live? A. Chester.

Q. Did you vote in the town of Chester last fall? A. Yes, sir; I did so.

Q. Were you a member of the Chester Colored Club? A. Yes, sir; I believe I was.

Q. Was your name enrolled upon the list as a member? A. Yes, sir.

Q. Before election did you meet with the members of the club at any particular place? A. I did; yes, sir; one evening.

Q. At what place? A. George Bartow's, at West Chester?

Q. Was it a colored man? A. Yes, sir.

Q. How many of you were present at that time? A. I don't know exactly; I should judge ten or fifteen.

Q. Was there anything said there that night upon the subject as to how you should vote? A. They were all going to vote the straight Republican ticket.

Q. Was there anything said about money? A. Yes, there was some talk about it.

Q. Who said anything in regard to money? A. I believe Charlie Peterson.

Q. Was he the president of the club? A. Yes, sir.

Q. What did Charles say that night in your presence? A. He said there was two dollars a piece for all that voted that ticket, and voted it straight.

Q. Voted what ticket? A. The Republican ticket.

Q. Did he say anything about where he would go and get the money? A. No, sir.

Q. Did he say he would want you to stick together? A. No, sir.?

Q. Did he appoint any special time when you were to meet on election day? A. No, sir.

Q. Did he say from whom he was going to get the money? A. Not that I heard.

Q. About how many members were there of that club? A. I should judge about thirty altogether; somewheres near that.

Q. Did you go and vote there on election day? A. Yes, sir; I did.

Q. About what time of day did you vote? A. I believe it was between 10 and 11; somewheres along there.

Q. You live how far from the village of Chester? A. About four miles, and a half.

Q. You went home after you voted? A. Yes, sir.

Q. You went there to vote the Republican ticket and you did vote the Republican ticket? A. Yes, sir.

Q. And was promised how much for voting the ticket? A. We was to get two dollars.

Q. You went home without seeing Walsh, didn't you? A. Yes, sir; for I had business.

Q. You haven't seen him since that day? A. No, sir; I have not.

Q. You didn't get your two dollars? A. No, sir; I did not.

Q. But it was promised to you?

Mr. HIRSCHBERG.—I object to that.

By Chairman ROESCH:

Q. Did anybody promise to give you two dollars for your vote? A. Not in particular my own; they said there was two dollars there for the club.

Q. Did you ask for your two dollars? A. No, sir; I did not.

Q. Did you vote the Republican ticket? A. Yes, sir.

Q. Don't you think if you were promised two dollars for your vote and you went and voted as you had been asked to vote, it would be likely you would go and ask for your two dollars? A. No, sir; I wouldn't sell my vote for two dollars or five; I work every day, and I earn my money without voting out; they wanted a club, and I went there and attended one of the meetings.

Q. When was that meeting held? A. About a week before election.

Q. Did you come together again the night before election? A. No, sir; did not.

Q. Do you know whether there was any committee appointed to see to the payment of the money? A. No, sir; there was not the night I was there.

Q. There was no further talk or arrangement about money at that meeting, than simply the statement by Peterson there would be two dollars in it for every man that would vote the ticket? A. Yes, sir.

Q. That was all? A. Yes, sir.

Q. How many members? A. I should judge about thirty.

Q. Do you know how many voters in that town? A. No, sir; I don't know exactly.

Q. How long have you lived there? A. For about ten years, I believe.

By Mr. HIRSCHBERG:

Q. Always voted the Republican ticket? A. Yes.

Q. Were the other members of the club all Republicans? A. Yes, sir.

Q. Every one of them? A. Yes, sir.

By Mr. GARDNER:

Q. Did Henderson say anything about getting the money that the club was to get from one John Walsh? A. No, sir; he didn't mention it in front of me.

Q. You say there were about ten or fifteen present? A. Yes, sir; the night I attended the meeting.

By Chairman ROESCH:

Q. How far away do you live from Albany? A. One hundred and four miles.

ABRAHAM EARLES, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live in the town of Chester? A. Yes, sir.

Q. Voted there at the last election? A. Yes, sir.

Q. You a member of the Chester Colored club? A. Yes, sir; I wasn't a member of it; I was there once but didn't go there.

Q. At whose house? A. Charlie Peterson's.

Q. Was there anything said there that night when you were there; it was in the evening? A. Yes, sir.

Q. About how you should vote? A. Not that night; he was going around to see the boys; and they were going to have another meeting.

Q. Do you know John G. Walsh? A. Yes.

Q. Where did he live? A. Goshen.

Q. You saw him election day? A. I saw him along in the afternoon.

Q. Did you get money from him? A. Well; I got some money from him.

Q. How much? A. Two dollars; along about 4 o'clock.

Q. Where were you when he paid it to you? A. Down by Jim Redner's barn.

Q. Who was by when he paid it to you? A. I couldn't say; Ed. Gavn was there.

Q. You voted that day? A. Voted the first thing in the morning.

Q. Who handed you the ticket? A. I got my ticket inside.

Q. A man by the name of Wood, a Republican inspector, handed you the ticket? A. He handed me a lot of tickets; I didn't know one from some of the others, because I can't read or write.

Q. That was Wood? A. Yes.

Q. He is a Republican inspector? A. He is a Republican.

Q. What did Walsh give you the two dollars for? A. I got my work done, and I hooked up my horse to run a wagon down there to carry the folks from the depot; I don't know whether he gave it for that or what he give it for; I had no talk with him.

Q. You expected two dollars? A. No, sir; I didn't expect nothing.

Q. It was promised, wasn't it? A. It wasn't promised me then.

Q. I mean to the members of the club? A. I wasn't there the first meeting; they hadn't seen all the boys; that was the only one I was to.

Q. Can you read or write? A. No, sir.

Q. You voted the ticket the Republican inspector, Wood, gave you? A. No, sir; he gave me tickets, and I don't know which one of them I voted, whether a Republican ticket or a Democratic ticket.

By Mr. HIRSCHBERG:

Q. What did you do at the polls that day to earn that two dollars? A. I went down and hitched the wagon and team.

Q. You drove a team? A. I went down and helped hitch them.

Q. Help fix up a team and a wagon? A. Yes.

Q. You went and got the wagon? A. Me and another fellow, and he drove it up.

Q. That was for the use of the poll workers, to bring voters there and back? A. Yes, anybody that wanted to ride up and down, they get so much a day for running a wagon there, two or three wagons.

Q. Nothing had been said to you before that about getting two dollars? A. No, sir.

Q. It had nothing to do with your voting? A. It had nothing to do with my voting.

By Chairman ROESCH:

Q. You got the two dollars after you voted? A. I voted about half-past 9 in the morning, and didn't get the two dollars until about 4 o'clock.

Q. Did you do any more driving after you got the two dollars?
A. Yes; I took the horses and put them out.

By Mr. HIRSCHBERG:

Q. Made yourself useful during the day? A. Yes, sir.

STEPHEN HUNTER, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live in Chester? A. Yes, sir.

Q. Voted there last fall? A. Yes, sir.

Q. Member of the Chester Colored Club? A. No, sir.

Q. Was your name on the roll? A. No, sir.

Q. That day you got some money? A. Yes, sir.

Q. Who from? A. Mr. Walsh.

Q. Walsh from Goshen? A. Yes, sir.

Q. How much did you get? A. A dollar.

Q. When did he pay it to you? A. About an hour afterwards.

Q. About an hour after you voted? A. Yes, sir.

Q. Who handed you the ticket? A. Joseph Durlan.

Q. Who told you to go to Joseph Durlan after it? A. Redner.

Q. Redner one of the ones that got up this club? A. Not that I know of.

Q. What did he give you a dollar for? A. I don't know.

Q. Did he ask you how you had voted? A. No, sir; Redner did.

Q. When did Redner ask you, before you got the money? A. Yes, sir.

Q. What did you tell him? A. I told him I had voted the Republican ticket.

Q. After you told Redner that, then Walsh came and gave you the dollar? A. Yes, sir.

Q. Where were you when he gave it to you? A. Across the street.

Q. Who was with him at the time? A. There wasn't nobody.

Q. Were you present at any of the meetings of this colored club?
A. No, sir.

Q. Redner was the one that sent you to Durlan? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. Did you hear anything about a dollar before you voted? A. No, sir.

Q. From anybody? A. No, sir.

Q. Have any expectation of a dollar before you voted? A. No, sir; I didn't.

Q. Have you always voted the Republican ticket? A. Yes, sir.

Q. You voted your own party ticket, the same as you always had done before? A. Yes, sir.

Q. You can read? A. No, sir.

By Chairman ROESCH:

Q. Was there anything said when you got the dollar? A. No, sir.

Q. Got it openly? A. Yes, sir.

Q. Paper dollar or silver dollar? Q. Paper dollar.

JOSEPH D. MCGINNIS, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live and voted in the town of Chester, last fall? A. Yes, sir.

Q. You a member of the colored club of Chester? A. Yes, sir.

Q. How much did you get for your vote? A. Two dollars.

Q. Who paid it to you? A. Johnny Walsh.

Q. From Goshen? A. Yes, sir.

Q. What ticket did you vote? A. I couldn't swear what ticket it was, because I couldn't read.

Q. Who gave it to you to vote? A. Mr. Seeley handed it to me.

Q. A Republican? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. What Seeley? A. Winslow.

Q. You got two dollars for voting? A. Yes, sir.

Q. You sold your vote for that money? A. Yes, sir.

Q. No question about that in your mind? A. No, sir.

Q. You made an agreement to vote for two dollars? A. Yes, sir; I told him I had voted; I told Mr. Walsh I had voted.

Q. Who did you make the agreement with beforehand? A. That was understood to George Bartow.

Q. Then you made it with him? A. No.

Q. Who did you make the bargain with? A. I didn't make a bargain with anybody, only I told Mr. Walsh I had voted.

Q. Then you hadn't made any bargain before you voted at all? A. No, sir.

Q. With anybody? A. No, sir.

Q. How long after you voted was it that you told Mr. Walsh you had voted? A. It was before I voted.

Q. How did you come to tell him you had voted? A. I wanted to see whether I was going to get anything.

Q. Did he offer you the money then? A. Yes, sir.

Q. He gave you the money? A. Yes, sir.

Q. Then you went and voted? A. Yes.

Q. You don't know how you voted? A. I don't know what ticket it was because I couldn't read.

Mr. Gardner called the names of John G. Walsh, William Mines and William Rawson as witnesses, but they did not answer.

PETER DE GROAT, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live in the town of Chester? A. Yes, sir.

Q. Member of the Chester Colored Club last fall? A. No, sir.

Q. Was your name on the roll? A. I believe they put it down, but I wasn't present.

Q. You voted? A. Yes, sir.

Q. How much money did you get for voting? A. I didn't get any thing for my vote.

Q. Any promised to you? A. No, sir.

Q. Did you see John G. Walsh that day? A. Yes, sir.

Q. Have a talk with? A. No, sir.

Q. Did he hand you any money? A. Yes, sir.

Q. How much? A. Two dollars.

Q. This Walsh lives at Goshen? A. Yes, sir.

Q. Working there for the Republican ticket? A. I suppose he was.

Q. Why did he give you two dollars? A. He told me to speak to the rest of the boys and talk to them; that was all the conversation.

By Mr. HIRSCHBERG:

Q. Is that what he gave it to you for? A. Yes, sir.

Q. That was after you had voted? A. Yes, sir.

Q. Had you heard anything about it before? A. No, sir.

Q. Didn't influence your vote in any way then? A. No, sir.

Q. Always voted the Republican ticket? A. Yes, sir.

Q. Did that time? A. Yes, sir.

By Mr. WASHBURN:

Q. Did you vote a paster ballot? A. No, sir.

By Chairman ROESCH:

Q. Can you read? A. Yes, sir.

Q. Would you have voted if you hadn't expected to get two dollars?
A. Yes, sir.

Q. Would have voted the Republican ticket? A. Yes, sir.

Q. How old are you? A. I will be twenty-five the next twenty-second of March.

By Mr. WASHBURN:

Q. Where were you when Mr. Walsh gave you this two dollars? A. Over by the meat market.

WINSLOW SEELEY, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You lived and voted in Chester last fall? A. Yes, sir.

Q. A member of the Chester Colored Club? A. Yes, sir.

Q. You voted the Republican ticket? A. Yes, sir.

Q. How much did you get? A. Two dollars.

Q. Who paid it to you? A. Johnny G. Walsh.

Q. Where were you when he paid it to you? A. James Redner's barn.

Q. Were you present at any meeting before election of your club?
A. I was one time.

Q. At what house? A. Charles Peterson's.

Q. How many were there? A. I should think in the neighborhood of eight or ten.

Q. Did they talk over about sticking together? A. Yes, sir; they did.

Q. And vote the Republican ticket? A. Yes, sir.

Q. Was anything said about how much they were to get apiece? A. They said they could get two dollars or more in it; get what there was in it; they would go to Goshen and see.

Q. Who said he would go to Goshen? A. Charles Peterson, James Redner, George Bartow.

Q. Who did they say they would call on when they went to Goshen for money? A. I didn't hear him say; they were going up there to see some parties.

By Mr. HIRSCHBERG:

Q. Did you hear how much they got? A. I did not.

Q. Or how much you were to get? A. I did not.

Q. Did you know anything about it when you went to vote? A. I knew before I went to vote.

Q. What did you know? A. They was to meet about 10 or 11 o'clock up at Ryan's hotel; that is where we were to get our money.

Q. Did you go there to get your money? A. No; we went in Jim Redner's stable to get the money; across the street.

Q. You sold your vote for two dollars? A. I got this two dollars before I voted.

Q. Did you say you had voted? A. I did tell him I had voted.

Q. That is how you got it? A. That is how I got it.

Q. You got it for saying you had voted? A. For saying I had voted.

Q. When you really hadn't? A. I hadn't voted.

Q. Then you lied to get the two dollars? A. Yes, sir.

Q. You would lie for two dollars? A. Yes; but I wouldn't swear to a lie for two dollars; I wouldn't swear to a lie at all.

By Chairman ROESCH:

Q. But you would tell a lie for two dollars? A. Yes.

Q. Would you tell a lie for a dollar? A. No, sir.

By Mr. WASHBURN:

Q. You are a Republican? A. Yes, sir.

By Chairman ROESCH:

Q. You were a member of this club? A. I supposed I was a member of the club.

Q. How many members in the club, do you know? A. No, sir; I couldn't tell you.

Q. How did you come to go to this gentleman and say to him that you had voted when you had not? A. I will tell you how it was.

Q. Was it understood you were all to go to him and tell him you had voted? A. No, sir; it was understood we were to go up street and meet at such a time and get our money, and we went there

By Mr. HIRSCHBERG:

Q. He wouldn't give it to you unless you said you voted? A. I don't know.

Q. You thought he wouldn't? A. I thought he wouldn't.

Q. That is why you said so? A. Yes.

JOHN ERWIN, being duly sworn, testified as follows:

By Mr. DIMMICK:

Q. Where do you reside? A. In Sullivan county, in the town of Mamakating.

Q. In what election district? A. Third.

Q. On last election day did you vote in that district? A. Yes, sir.

Q. Did you notice the indorsement that was on the ballot that you voted? A. Yes, sir.

Q. What was the indorsement? A. First district.

Q. First district of the town of Mamakating? A. Yes, sir.

Q. All the ballots that you saw, the sample ballots, were they indorsed the first district? A. Yes, sir.

By Chairman ROESCH:

Q. You say the ballots were indorsed for the first district? A. Yes, sir.

Q. Which ballots, the sample or the official ballots that you voted?
A. The official ballots and sample ballots both.

Q. Then the ballots that you received inside of the polling place from the ballot clerks you say were indorsed "First election district?"
A. Yes, sir.

Q. While in fact you were voting them in what? A. District number three.

Q. Were all the ballots indorsed that way? A. All that I saw; yes, sir.

Q. Among those that you saw, were there Republican ballots as well as Democratic ballots? A. Yes, sir.

Q. So the Democratic ballots and the Republican ballots also were indorsed for the first election district? A. No, sir; the Democratic ballots were indorsed right, "the third district," but the Republican ballots were indorsed "the first district."

By Mr. DIMMICK:

Q. Did you call the inspector's attention to the indorsement? A. When I first went in there at that time I thought that it was a mistake in their tickets; that we had received the wrong tickets; that they ought to be sent to Bloomingburgh, in the first district; some of them made the remark they thought it was all right, they were straight tickets, Democratic and Republican, so I paid no more attention to it.

By Chairman ROESCH:

Q. You say only the Republican tickets were indorsed in that way?
A. Yes, sir.

Q. The Democratic ballots were correctly indorsed as for the third district? A. Yes, sir.

Q. How about the Prohibition ballot; how was that indorsed? A. That was indorsed the first district.

Q. So the Prohibition ballot was indorsed in a similar manner to the Republican ballot? A. Yes; I think it was.

Q. How about the Labor ballot? A. I think it was indorsed the same.

Q. Three of the ballots were incorrectly indorsed, as you say, and the Democratic ballot was correctly indorsed? A. Yes, sir.

Q. Was there any general talk in the polling place on the part of the election officers in reference to this mistake. A. No, sir; not a general thing.

Q. You said you called their attention to it? A. Yes; I called their attention to it right then, but not after that.

Q. Were there only a few ballots indorsed in this erroneous manner, or all of them? A. That I couldn't tell; all that I saw of them was.

Q. How many do you think you saw? A. I saw the ballots that I took in to vote myself; I went in with four other men to make out the tickets for them, and I took particular notice of those.

Q. Are you a Democrat or Republican? A. A Democrat.

Q. You went in with some of the voters who selected you? A. Yes, sir.

Q. Did they take the oath of physical disability? A. Yes, sir.

Q. Was there anyone else but yourself who noticed this error in the indorsement that you say existed? A. Yes, sir.

Q. Who else? A. A man here by the name of Farrel.

Q. Did he notice it because you called his attention to it, or had he noticed it independently of you? A. I couldn't say.

Q. Were you present at the canvass of the votes at the close of the polls? A. Yes, sir.

Q. Was there anything said in reference to this indorsement? A. No, sir; I don't think there was.

Q. Was there any notice taken in the count of this erroneous indorsement? A. No, sir; I don't think there was.

By Mr. GARDNER:

Q. You wish to be understood as saying that in that district the only ballot which was wrongly indorsed was the Republican ballot? A. Yes, sir.

Q. Chairman Roesch asked you in regard to how the Labor ballot was; will you state in what shape you found the indorsement on the Labor ballot? A. I thought it was the first district.

Q. When it should have been the third district? A. Yes, sir.

Q. So that there were none of the tickets except the Democratic that were properly indorsed? A. No, sir.

Q. You have no positive knowledge on the subject as to the Prohibition or Labor ticket? A. No; I wouldn't be positive about that.

By Chairman ROESCH:

Q. How did you get these ballots; you went in as a voter? A. Yes.

Q. You got one set of the ballots? A. Yes, sir.

Q. You noticed the incorrect indorsement on this one set? A. I noticed them when they undone the ballots; when they came there and commenced counting them in order to give a receipt for the ballots they received, the inspectors of election, and I noticed they were indorsed for the first district; that was the first notice I took of them.

Q. Didn't you call anybody's attention to it? A. Yes, sir; right then.

Q. What was the answer? A. They thought it was nothing more than it didn't make any difference what they were; they were all straight Republican and Democratic tickets, and I didn't pay any more attention to it at the time.

By Mr. GARDNER:

Q. They said it made no difference? A. Yes, sir.

Q. And continued to use the ballots? A. Yes, sir.

Q. Did one Foster vote that day? A. Yes, sir.

Q. Were you there when his ballot was given to him? A. Yes, sir.

Q. Did you see it? A. No, sir.

Q. You helped to prepare some ballots? A. Yes, sir.

Q. How many; four? A. Yes, sir.

By Chairman ROESCH:

Q. You saw four ballots at that time and the one you received when you voted? A. Yes, sir.

Q. That made five? A. Yes; I saw one or two of them when we first opened them.

Q. Do you know where these ballots were printed? A. I think they were printed in Liberty.

LORENZO F. JOHNSON, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live in the city of Newburgh and voted there last fall? A. Yes, sir.

Q. Member of the W. T. Sherman Club at that time? A. Yes, sir.

Q. Were you its secretary? A. Yes, sir.

Q. On the day of election did you see B. B. Odell? A. Yes, sir.

Q. You saw him in Washington street? A. Yes, sir.

Q. Did he say anything to you in connection with some others where to go to get some money? A. No, sir.

Q. Did he tell you to go and get a package? A. Come up and said he wanted somebody to go down and get a package.

Q. Go down where? A. Down to his office.

Q. Who went? A. William Dalson, Pelham and myself.

Q. You went there; what did you find? A. I found a package.

Q. Who took the package? A. Dalson.

Q. What did he do with the package? A. He came back with the package.

Q. Where did he go with it? A. Went to 260 Washington street.

Q. The three of you went to 260 Washington street; did you open it? A. Yes, sir.

Q. What did you find in it? A. Six hundred dollars.

Q. In what; in dollar bills? A. Yes, sir.

Q. All of it? A. Yes, sir.

Q. What time of day was this? A. I don't know; it was late in the afternoon.

Q. On the day of election? A. On the day of election.

Q. Did you pay out any of that money that day? A. Yes, sir.

Q. In whose house? A. Dalson's.

Q. Who was by when you paid it out; any members of the executive committee? A. Yes, sir.

Q. Who were they? A. The president of the club, George H. Alsdorf, Pelham, Dalson and myself.

Q. How much did you pay out that day of the money? A. I don't know how much I paid out.

Q. About how many did you pay that day? A. About twenty-five; more or less.

Q. How much did you give them apiece? A. Five dollars and forty-five cents.

Q. After you had paid that much then you left the house? A. Yes, sir.

Q. You are unable to state what occurred after you left, of course; were they the members of the club to whom you paid this five dollars and forty-five cents apiece? A. Yes, sir.

Q. Was it the object of your club to support the Republican ticket? A. It was a Republican club.

Q. B. B. Odell was the Republican State committeeman? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. These were all Republicans? A. They were supposed to be.

Q. You know them? A. I know them.

Q. Were they Republicans so far as you know? A. So far as I know.

Q. Always vote that ticket? A. I don't know that.

Q. So far as you know? A. So far as I know.

Q. You don't know how they vote? A. No, sir.

Q. Don't know how they voted that day? A. No, sir.

Q. Your payment had nothing to do with their voting? A. No, sir.

Q. Whether they voted or didn't vote? A. No, sir.

Q. They received this because they were members of the club irrespective of their voting? A. Irrespective of their voting.

Q. It was given to them for that purpose to be used by the club? A. Yes, sir.

Q. You always vote the Republican ticket? A. I have always been a Republican.

Q. You were then? A. Yes, sir.

By Chairman ROESCH:

Q. How many members in that club? A. How many members now?

Q. How many members then? A. At that time 107.

Q. Where did the club meet? A. One hundred Water street.

Q. In whose rooms? A. Owen building; in the Republican headquarter's rooms.

Q. Had the W. T. Sherman Club any rent to pay? A. No, sir.

Q. Had the W. T. Sherman Club any furniture? A. No, sir.

Q. Did the W. T. Sherman Club have any debts to pay that it owed anybody? A. Not that I know of.

Q. You say that the receipt of the money had nothing to do with the members of the club voting the Republican ticket? A. No, sir.

Q. Do you know whether or not the 107 members of the club actually voted? A. No, sir.

Q. You don't know? A. No, sir.

Q. Was there no tally kept? A. No, sir; not that I know of.

Q. Was it understood the members of the club were to report after having voted? A. No, sir.

Q. The club not having any furniture, not having any rent to pay, not owing any money to anybody, not being under obligations to any one financially, you still say the club got \$600, and which was divided among the members, at the rate of five dollars and forty-five cents to some, and that had nothing to do with the manner in which they voted? A. I do.

Q. Tell us why they got this \$600; for what purpose? A. Because we wanted it.

Q. That is the best answer you can give? A. That is the best answer I can give.

CHARLES FISHER, recalled:

By Mr. GARDNER:

Q. Did you see them count votes in the first district of the third ward last election? A. Yes, sir.

Q. Did the watchers participate in the count? A. No, sir.

Q. The poll clerks? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. Were you examined as a witness before? A. Yes, sir.

Q. The inspectors count the votes? A. Yes, sir.

By Chairman ROESCH:

Q. Was there any dispute or discrepancy between the count of the poll clerks and that of the inspectors? A. They each counted their own pile.

Q. Did they all agree on the final statement? A. Yes.

By Mr. DIMMICK:

Q. Did they all count every ballot? A. No; each man counted his own pile.

By Chairman ROESCH:

Q. They separated the ballots in how many piles? A. Five; three inspectors and two poll clerks.

By Mr. HIRSCHBERG:

Q. What were you doing in there? A. I was a watcher.

Q. Did you make any objection? A. I didn't.

Q. Did anybody? A. Not that I know of.

Q. You represented the Democratic party? A. Yes.

By Chairman ROESCH:

Q. Each man counted his pile, they footed up the total? A. Yes.

By Mr. HIRSCHBERG:

Q. As far as you could watch, everything was all right? A. Yes.

JOHN MILLER, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You were present at the polls and voted in Woodbury, last fall?
A. Yes, sir.

Q. Was there at the opening of the polls? A. Yes, sir.

Q. Did you see a Democratic watcher present his credentials to be allowed as a member of the board? A. Yes, sir.

Q. To be present at the polls? A. Yes, sir.

Q. Did you observe any objection? A. Yes, sir.

Q. At what time was this? A. A very few minutes after they declared the polls open; a little after 7 o'clock.

Q. Who was it that objected? A. The chairman of the inspectors.

Q. Was the majority Republican in the board? A. Yes, sir.

Q. Who was it that presented the credentials? A. Irving Washburne.

Q. What was done after they made the objection? A. They ordered him out and he refused to go out, he said, unless they put him out, so they called an officer and put him out.

By Chairman ROESCH:

Q. Put the man out that presented the certificate as a watcher?
A. Yes, sir: claiming he wasn't there in time; claiming he ought to be there fifteen minutes before the polls opened.

By Mr. GARDNER:

Q. How long was he kept out? A. I think it was about noon when he came back there.

By Mr. HIRSCHBERG:

Q. Who was the inspector? A. Millard F. Earle, Major Barclay and Isaiah Hunter.

Q. Where were you at that time? A. I was in the room by the railing.

Q. Did you read his credentials? A. No, sir.

Q. How do you know he had credentials? A. Because I saw him present them; I know they accepted them when he came back; I saw him write them out.

Q. Just before he went in? A. Yes, sir.

Q. He wrote out a set of credentials for himself? A. He had a right to.

Q. Who signed them? A. The president of the club.

Q. When he went in first? A. Yes, sir; he was the president of the club and the clerk at the polls was chairman of our organization; we appointed him watcher.

Q. He signed his own credentials? A. Certainly.

Q. Wasn't that why they objected to him? A. No; they objected to him on the time; they didn't dispute his credentials; they didn't look

at them to see whether they were correct or not; they disputed his time.

Q. That he was too late? A. Yes; he went away after they put him out and he didn't come back until very near noon and then they consulted a lawyer, Mr. Rushmore, and then they let him in.

Q. Did you see them consulting a lawyer? A. No; they told me they did.

Q. Who told you? A. Mr. Halleck.

By Mr. WASHBURN:

Q. Rushmore a Republican? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. The inspectors didn't tell you anything of that kind? A. No; Mr. Halleck then he notified the inspectors; he thought they had made a mistake he being a Republican.

Q. You swear they didn't put him out because his credentials were not regular? A. Yes, sir; they disputed the time.

Q. Who disputed the time? A. The inspectors.

Q. Which one? A. The chairman of the board, Millard F. Earle; he said he should have been there fifteen minutes before the polls were open and present his credentials.

Q. What time was it he was there? A. A few minutes after the polls were open; a little after 7 o'clock.

Q. That is the reason why they put him out? A. Yes, sir.

Q. Then they took advice on it and said he could come back? A. He came back very near noon; I kept a stable there and he asked me to have his horse taken care of and he went upstairs; he was in there when I came back.

SAMUEL J. HILTON, being duly sworn, testified as follows:

By Mr. DIMMICK:

Q. You reside in Newburgh and did last election? A. Yes, sir.

Q. Was chairman of the ward committee of the fourth ward? A. Not the last election; I am at the present time.

Q. You were a Republican worker in the ward? A. Somewhat of a worker.

Q. And did work at the last election at the first election district? A. Yes, sir.

Q. You confined your work in that district? A. Yes, sir.

Q. During the time while you were working there did you electioneer within the 150 feet? A. No, sir.

Q. At no time whatever? A. No, sir.

Q. How long have you been a worker in that district? A. I have lived in the district eight years.

Q. And been a worker ever since? A. No.

Q. Was there any Republican worker besides you at that polls?
A. No appointed work, only helpers I had.

Q. How many helpers did you have? A. I only had one.

Q. How many carriages did you have? A. One.

Q. Did you receive the money for that district? A. Yes, sir.

Q. How much did you receive? A. About fifty dollars.

Q. Is that all the money you received? A. That is as near as I can tell; I never counted what was given me.

Q. You disbursed that? A. Yes, sir.

Q. To whom? A. I paid for the general expenses.

Q. What were they? A. I had a bill of eleven dollars for the last day of registration that I paid and I took from this money because it belonged to me I thought, that included the carriage and the man that was on the carriage; on the election day I had a carriage and a man on the carriage, and I probably give that man, I couldn't say, I give him three or four dollars to spend in bringing people to and from the polls treating, and I calculated fifteen dollars that carriage cost that day with the man on it; and I gave the worker I had there five dollars; I gave a man there that acted as a checker, we didn't have a regular checker, but I got the poll clerk to make out the list from the registry book to furnish names for the man on the carriage to go after men that hadn't voted; and I gave the watcher five dollars and I hired an extra cab to send to Washington lake for two voters that were there; I got it of Major Weston; it was either two or three dollars the major charged me.

Q. The only way you imagine it was fifty dollars is by figuring up?
A. I don't know.

Q. Where did you receive this money? A. From the State committeeman at his office.

Q. In Water street? A. Yes, sir.

Q. When did you receive it? A. The hour I couldn't tell you; in the afternoon of the day before election.

Q. Is that all the money you received for this last election?
A. Yes, sir.

Q. And all the money you used in that ward? A. Yes, sir.

By Chairman ROESCH:

Q. How many voters in that district? A. In the neighborhood of 250; I don't just remember what the registry was last year.

Q. Do you know of any person in that ward being purchased by a Republican ? A. I do not.

Q. Have you any knowledge or information sufficient to form a belief anyone was purchased ? A. No, sir.

JAMES D. MCGIFFORD, being duly sworn, testified as follows:

By Mr. DIMMICK:

Q. You reside in the first ward in Newburgh ? A. Yes, sir; second district.

Q. You were there election day ? A. Yes, sir.

Q. You had charge of the interests of the Republican party there ? A. I was an inspector.

Q. Before election day you looked after the interests of the party in that district ? A. Yes, sir.

Q. In other words, the leader of that district ? A. I was chairman of the first ward committee.

Q. You had charge of the whole ward, did you not ? A. Not all of it; a portion of it.

Q. What portion of the ward did you have charge of ? A. First, second, third and fourth districts.

Q. You were the person that employed the men ? A. Yes, sir.

Q. How many men did you employ ? A. In each district we had a carriage and a man on the carriage, a checker and a watcher; with the exception of my own district we dispensed with the checker.

Q. How much money from any source whatever did you receive for the districts you had ? A. For the four districts I received a hundred dollars.

Q. Is that all the money you received ? A. That is all.

Q. For any purposes on election ? A. That is all; yes, sir.

By Mr. HIRSCHBERG:

Q. All used in legitimate expenses ? A. Yes, sir.

Q. Without exception ? A. Without exception.

Q. Without buying votes ? A. Oh, no; there were no votes bought at all.

DANIEL J. COUTANT, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You are clerk of the city of Newburgh ? A. Yes, sir.

Q. You have in your hands the poll-list of the seventh district of the first ward ? A. Yes, sir; the poll-list and the registry list.

Mr. GARDNER.—We offer them in evidence.

Chairman ROESCH.—They are admitted.

Chairman ROESCH.—What do you want of them?

Mr. GARDNER.—For the purpose of proving illegal registry and illegal voting.

FRANK DICKSON, recalled:

By Mr. DIMMICK:

Q. Take the register of electors in the seventh district of the first ward and see how many reside in the alms-house that voted? A. Twenty-eight.

Mr. Gardner called the name of C. L. Lucky, as a witness. He not answering it was agreed he may be called at any subsequent hearing of the committee on behalf of the contestant.

Also, William J. Millford, was called and did not appear.

LEWIS F. GOODSSELL, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You reside in the town of Highland Falls? A. Yes, sir.

Q. And voted there last fall? A. Yes, sir.

Q. And are a Republican? A. Yes.

Q. Were at the time and have been for many years? A. Yes, sir.

Q. Are you a member of the Republican county committee? A. No, sir.

Q. Were you at that time? A. No, sir.

Q. Before election last fall did you have a conversation with B. B. Odell of the city of Newburgh? A. Yes, sir.

Q. Upon the subject of expenses to be defrayed in that town for election purposes? A. Yes, sir.

Q. That conversation occurred where; at that place? A. No, sir; in the city of Newburgh; I think it was in his office.

Q. How much was given to your town for election purposes? A. One hundred and fifty dollars, I think it was the amount.

Q. To whom was that sum given? A. To me.

Q. You were around the polls all day? A. Yes, sir.

Q. Actively engaged in the soliciting of votes for the Republican ticket? A. Yes.

Q. Asking for votes? A. Yes, sir.

Q. Did you expend all the money which was given to you that day? A. Yes, sir.

Q. In the Highland Falls? A. Yes, sir.

Q. Are you able to account for the manner in which you expended it now? A. Yes, sir.

Q. Did you make an account of your expenses to Mr. Odell? A. No, sir.

Q. Have you since? A. No, sir.

Q. Have you any memorandum or book with you by which you can account for the expenditure of that money? A. No, sir.

Q. You trust to memory entirely? A. I do.

Q. Please state in what manner you spent that \$150? A. Sixty dollars for wagons.

Q. State whose wagons you engaged that day? A. I couldn't do that because I had other men engage the wagons.

Q. Please state two wagons? A. Swim.

Q. Did you engage any other rigs that day than from Mr. Swim? A. Yes; I had other men engage them; I didn't engage them personally.

Q. Were there other men? A. Yes, sir.

Q. Who were those men? A. Charles Clark, Charles Cunningham.

Q. You can't recall any more at present? A. No, sir.

Q. How many wagons did you personally engage of Mr. Swim? A. I engaged two stages and two carriages.

Q. To be run all day? A. Such times as we wanted them.

Q. Were they engaged for the whole day or on one particular trip? A. Engaged as often as we wanted them and he charged accordingly.

Q. How much did you agree to pay him for the use of his wagons that day? A. I don't think there was any agreement.

Q. How much did you in fact pay him? A. I think it was seventeen dollars.

Q. Did you pay any other bills for the use of wagons? A. Yes.

Q. To whom did you pay? A. Paid Charles Clark and Charles Cunningham.

Q. How much? A. I couldn't say exactly; but I think in the neighborhood of twenty dollars I paid Clark, and I think it was thirteen dollars I paid Cunningham.

Q. Making the two together thirty-three? A. About thirty-three dollars.

Q. Do you know the fact that they had wagons or horses engaged that day? A. Yes.

Q. Can you state how many? A. I think there was in the neighborhood of sixteen altogether, from the mountains, the mines and the fort.

Q. How many watchers were there in your town? A. I think six; three districts.

Q. Did you look after any other district than your own? A. I looked after them all.

Q. Did you engage the watchers? A. Yes, sir.

Q. Pay them? A. Yes, sir.

Q. With this money? A. Yes, sir.

Q. How much apiece? A. Five dollars; I don't know whether five or six; I think six dollars apiece.

Q. After the payment of the watchers and for the wagons, what other items of expenditure did you incur that day? A. I paid ten dollars, I think, for distributing printed matter before the election; I didn't pay that on election day.

Q. To whom did you pay that bill? A. To three separate individuals, a man named Swim, Potter and Crosby.

Q. Were each of these gentlemen engaged in the printing business?

A. No; they distributed printed matter I got from the State committee.

Q. What other items of expenditure? A. Then I had a carriage to go to West Point and wagons to go to the mines and the fort.

Q. Didn't I understand you to say that the other item of thirty-three dollars covered the entire use for wagons? A. No, sir; I am speaking about my individual expenses now; I paid three dollars, I think, for a carriage to go to West Point to see Lieutenant Derby about letting off the soldiers to vote, those that were entitled to, and I paid two dollars for a wagon to go to Fort Montgomery and three dollars for a wagon to go to the mines.

Q. Does that include all the wagon expenses that day? A. I wouldn't be sure about that.

Q. Aside from those three items that you have specified were there any others of expenditure? A. Yes.

Q. What were they? A. Expenditures for refreshment.

Q. To whom? A. Different individuals.

Q. Republican voters? A. No; not particularly; anybody that I would meet.

Q. Where would you meet them? A. In the hotels and saloons.

Q. At whose hotel? A. Anyone.

Q. Stevens? A. Stevens is one.

Q. Wasn't that within 150 feet of the polls? A. I should think it would be about 150 feet.

Q. Isn't it within 150 feet according to your judgment? A. I think not.

Q. Aside from the refreshments? A. I am not speaking on election day, but the refreshments before election and after election.

Q. How many days before election did you commence the refreshment business? A. About six weeks, two months and may be the whole year.

Q. How long was this before you spoke to Mr. Odell? A. My speaking to Mr. Odell was about the expense that might be incurred.

Q. I understood you to say when you arranged with him for the \$150 it was only two or three days before election? A. Mr. Odell gave me what he saw fit; he didn't give me to cover the expenses of election because he never had.

Q. Did you that day use any money or promise any money directly or indirectly to a voter for his vote? A. No, sir.

Q. Did you tell any voter where he might go and get some consideration after he voted? A. No, sir.

Q. After this money was paid out that you have spoken of, what did you do with the balance? A. There was no balance.

Q. You haven't accounted here but for only a little over sixty dollars; you say you got \$150? A. I think I have accounted for more than sixty dollars.

By Mr. HIRSCHBERG:

Q. You have accounted specifically for about \$110 or \$115; did the \$150 which you received pay the legitimate expenses in full that were incurred that day in the three districts? A. No, sir.

Q. How was the balance made up? A. I paid it out of my own pocket.

Q. Have you any knowledge of how much it was? A. I don't know; I think in the neighborhood of fifty dollars.

Q. That is exclusive of any payment to anybody for the purchase of votes? A. Yes, sir.

Q. You have no knowledge of anything of that kind in any of the districts? A. No, sir.

FRANK DICKSON, recalled:

By Mr. DIMMICK:

Q. Have you examined the poll-list and registry? A. Yes, sir.

Q. How many residents of the alms-house do you find voted on the last election? A. Twenty-six that live there and one that registered from there but didn't live there.

Q. How long have you lived in the territory that is covered by the seventh district? A. From 1850.

Q. You are well acquainted with all the residents of that district? A. Yes, sir.

Q. From the knowledge that you have of the inmates of the alms-house, how many inmates of the alms-house resided in that district before they went to the alms-house? A. I think not over two; I am quite positive of it.

Q. On your last examination you testified that one of the inspectors on registry day was appointed, Mr. Bastian? A. Yes, sir.

Q. By whom was he appointed? A. By myself and Mr. Tygert; myself, I suppose.

Q. You were going away on registration day and you requested him to take your place? A. Yes.

Q. That is the only appointment he had? A. He was sworn in the day before by myself and Mr. Tygert, personally.

Q. On election day you were inspector? A. Yes, sir.

Q. The returns from your district were returned on two occasions? A. I have been told so.

Q. Were you ever notified of their return for correction? A. No, sir.

Q. The board never was called together for that purpose? A. No, sir.

Q. When was the ballot box in your district locked? A. Between 10 and 11 o'clock.

By Mr. HIRSCHBERG:

Q. Give the names? A. A. J. Brown, H. M. Crawford; Aug. Carse, S. I.; Pat. Cahill, S. I.; M. Y. Dornan, S. I.; John Demott, S. I.; Robert Duncan, S. I.; Martin Dooley, S. I.; Jacob Fahlman, S. I.; Jas. Fleming, S. I.; Jer. Grady, S. I.; Jas. Green, S. I.; Jas. Guinan, S. I.; Thos. Harrison, S. I.; Pete Holmes, S. I.; Geo. W. Johnson, S. I.; Dan McGinness, Frank Moran; Jabez Manley, S. I.; Jno. S. Wygant, S. I.; Harry Wilson, S. I.; Henry Dubois, Elisha Fenn, Archie Ferguson, Jno. Malloy, F. W. Sholte, S. I.; Jno. Fleming, Robt. Green, did not vote.

Q. You appointed Bastian for how long? A. For one day.

Q. Was there any irregularity about that? A. I think not, as far as I know.

Q. Was he sworn in? A. Yes, sir.

Q. Who by? A. By me.

Q. He was a Democrat? A. Yes, sir.

JUDSON D. BOYCE, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Where do you reside? A. Phillipsport, in the town of Mama-kating, Sullivan county.

Q. You voted there last fall? A. Yes, sir.

Q. District No. 3? A. Yes, sir.

Q. Did you observe the ballots that were handed to you? A. Not particularly as far as the numbers were concerned.

Q. Did you notice the districts? A. No, sir.

Q. Were you a member of the board? A. No, sir.

Q. Did you see any of the sample ballots? A. I did later.

Q. How late? A. A month or so ago.

Q. Where did you find that ballot? A. Some of my neighbors had some.

Q. What did you see on it?

Mr. HIRSCHBERG.—I object to that.

Q. You didn't notice them at the time you voted? A. No, sir; I did not know nothing about it; only hearsay.

BERNARD FARRELL, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Were you an inspector in the town of Mamakating last fall?

A. I was an appointed ballot clerk.

Q. Were you there when the ballots were received by the board?

A. Yes, sir.

Q. (Presenting same.) Is that one of the official sample ballots that came with the package for which the board gave a receipt? A. Yes, sir.

Mr. GARDNER.—We offer that in evidence.

By Mr. HIRSCHBERG:

Q. Do you know this particular one was one of them? A. Yes; I brought it home.

Q. This is one you had in your possession that day? A. Yes, sir.

By Chairman ROESCH:

Q. This is one of the official sample ballots that you received as ballot clerk on the morning of election? A. Yes, sir.

[Ballot marked "J. M. R."]

For Governor,
JACOB SLOAT FASSETT.

For Lieutenant-Governor,
JOHN W. VROOMAN.

For Secretary of State,
EUGENE F. O'CONNOR.

For Comptroller,
ARTHUR C. WADE.

For Treasurer,
IRA M. HEDGES.

For Attorney-General,
WILLIAM A. SUTHERLAND.

For State Engineer and Surveyor,
VERPLANCK COLVIN.

For Justice of the Supreme Court,
For the Third Judicial District,
JOHN T. McDONOUGH.

For Senator, For the Thirteenth
Senate District,
WILLIAM P. RICHARDSON.

For Member of Assembly,
HENRY KRENRICH.

For Sheriff,
HARRISON BEECHER.

For Superintendent of the Poor,
GEORGE M. WRIGHT.

For Justice of Sessions,
MANASSEH INGRAHAM.

The above is indorsed as follows: Official ballot for first district poll,
town of Mamakating, November 3, 1891.

RICHARD GILDERSLEVE,
County Clerk of Sullivan County.

DANIEL R. MAHONEY, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live in the city of Newburgh? A. Yes, sir.

Q. Voted last fall? A. Yes, sir.

Q. Was around the polls on election day? A. Yes, sir.

Q. In what district? A. First district of the second ward.

Q. Did you observe any electioneering within the poll limits that day? A. Saw Hiram Odell and Withers working with colored voters and others trying to get them to vote.

Q. How near to the polls? A. Within twenty-five feet, I should think.

By Mr. HIRSCHBERG:

Q. Within twenty-five feet of the door of the building in which the polls were located? A. Yes, sir.

Q. What did you hear them say? A. I don't know as I heard them say anything.

Q. You didn't hear what he said? A. No.

Q. Not in any case? A. No, sir.

MAX SAMUELS, being duly sworn, testified as follows:

By Mr. DIMMICK:

Q. You were a poll clerk in the first district of the third ward? A. I was a ballot clerk.

Q. Did you count any of the ballots? A. Yes, sir.

Q. Did the poll clerks count? A. No, sir; the other ballot clerk counted.

Q. Each of them counted a pile separately? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. You were a Democratic ballot clerk? A. Yes.

Q. Was all the counting done correctly? A. So far as I know, it was.

Q. There was nothing about the result that was startling? A. No, sir.

Q. So far as you know it was all correct? A. Yes, sir.

MOSES F. NELSON, being duly sworn, testified as follows:

Q. You are the town clerk of the town of Highland Falls? A. Yes, sir.

Q. You have the poll-list that you used at the last election? A. Yes, sir.

Q. Produce it.

[Witness produces same.]

Mr. GARDNER.—I offer the list in evidence.

HENRY DARCY, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live in the town of Highland Falls, and have for some years? A. Yes, sir.

Q. And acquainted with many of the soldiers living at West Point? A. Yes, sir.

Q. You are not able to state who voted there until you examine the poll-list? A. No, sir.

HENRY D. LEWIS, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live at Highland Falls and have lived there some years?
A. Yes, sir.

Q. Acquainted with many of the soldiers living on West Point ceded territory? A. Yes, sir.

Q. When their names are given to you, you are able to state the place of their residence? A. Yes, sir.

JAMES F. SCHOONMAKER, recalled:

By Mr. GARDNER:

Q. You were a member of the Flower Club, weren't you? A. I was.

Q. Before election many of your boys went over to the Sherman Club? A. There did.

Q. About how many of them as you have reckoned up? A. I don't know; in the neighborhood of twenty-five or thirty that never showed up to the club.

Q. How long before election did they go over to the Sherman Club?
A. They went going the week before, and the night before they all went; they didn't show up the day of election.

By Mr. HIRSCHBERG:

Q. They didn't show up the day of election? A. Not as members of the Flower Club.

Q. They didn't appear at the Flower Club; that is all you know about it? A. Yes.

Q. You are not a member of the Sherman Club? A. No.

Q. You never were? A. No.

Q. You don't know who joined the club? A. What the book calls I know.

Q. You don't know what is on the book? A. I do; I saw the book.

Q. Give the names of those that you know are on the book?
A. Herman, Thompson, Miller and several others.

Q. Those are all you can name? A. Yes; I never took any interest in it, and didn't commit it to memory.

Q. All you know about the rest is from rumor? A. I know they didn't do as they agreed to; they didn't stand by the Flower Club and vote the Flower ticket as they said they would.

Q. That is all you know about it? A. That is all.

CHARLES F. SIMONS, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Were you a member of the Sherman Club? A. Yes, sir.

Q. Did you get anything for your vote? A. I got the same as the rest, I got five dollars and forty-five cents.

By Mr. HIRSCHBERG:

Q. Did you say you got it for your vote? A. I didn't say for the vote or not, but that is what was donated to me, five dollars and forty-five cents.

Q. You don't mean to say you voted because you got that money? A. No, sir.

Q. Or that affected your vote? A. No, sir.

Q. Or influenced it in the least degree? A. No.

Q. You always voted the Republican ticket? A. Yes.

Q. And did that time? A. Yes.

Q. And would do it if you didn't get a cent? A. Yes, sir.

By Chairman ROESCH:

Q. Have you any idea why you got the five dollars and forty-five cents? A. No, sir; I did not.

Q. Came in handy that time? A. Yes, sir.

Q. Did it come around every election day, five dollars and forty-five cents? A. No, sir.

Q. Sometimes got less? A. Sometimes; yes, sir.

Q. Ever get more? A. Never got no more.

Q. Flood tide that day? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. You have voted without getting anything? A. Yes, sir; I have.

By Chairman ROESCH:

Q. Are you a member of the Sherman Club now? A. Yes, sir.

Q. Haven't been expelled? A. No, sir.

HENRY HUNANS, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. Were you a member of the Sherman Club last fall? A. Yes, sir.

Q. Did you vote the Republican ticket? A. Yes, sir.

Q. How much did you get? A. Five dollars and forty-five cents.

By Mr. HIRSCHBERG:

Q. Have you been helping this contest any, around looking for witnesses? A. Not principally I haven't.

Q. You have been doing it? A. I told two or three names.

Q. Been out of town? A. Yes; I was out of town, but I was on my own business; I went out to Goshen.

Q. Didn't go on this business? A. No.

Q. While you were there you attended to this business, see what witnesses you could get for Lamont? A. No.

Q. Who did you go with? A. I went alone.

Q. Were you hired to go? A. No, sir.

Q. Haven't you been paid for what you have been doing? A. I haven't done anything.

Q. Haven't been looking for witnesses? A. No, sir.

Q. Haven't got any yet? A. No, sir.

Q. Didn't find any in Goshen? A. I see two fellows, but they ain't here; and I didn't tell them to come here, either.

Q. Who did you tell; tell somebody to subpoena them? A. No, sir.

Q. You are a Republican? A. Yes, sir.

Q. Always have been? A. Yes, sir; always have been.

Q. Did you sell your vote for five dollars and forty-five cents? A. No; I didn't sell my vote.

Q. Didn't affect your vote at all? A. No; I got a donation out of the club the same as the rest.

Q. Had nothing to do with your voting? A. No, sir.

By Chairman ROESCH:

Q. Have you any idea how you came to get just five dollars and forty-five cents? A. Yes, sir, I have; because it was donated to the club and supposed to be divided up equally among the club.

Q. How many members? A. I calculated there was about 140 members, I thought; I didn't know; I didn't have the roll.

Q. Did any of you think the fewer members of the Sherman Club that would vote, the more each one's share would be that would vote? A. Not to my knowledge.

Q. Did you know the night before election how much each one of you would get? A. No, sir; I didn't know in fact until since election, and that was only by hearing the statement what was given; I didn't know how much was appropriated for the club.

Q. You didn't know how much the club appropriated outside of this six hundred dollars; do you know of any other money the club got? A. No, sir; I do not.

Q. You got that after you had voted? A. Yes, sir.

Q. On election day? A. Yes, sir.

Q. In whose house? A. Alsdorf.

Q. Some other of your friends were there when you got this? A. Yes, sir; a few of them.

Q. All of you got five dollars and forty-five cents? A. That I couldn't say.

Q. You got five dollars and forty-five cents? A. Yes, sir.

Q. How long have you been a member of the Sherman Club? A. About a year.

Q. How did you get into the Sherman Club; were you proposed for membership? A. I applied for membership and was admitted.

Q. How long ago is it you applied for membership? A. I can't tell you exactly the day or date.

Q. Were you initiated into the club? A. There was no initiation about it that I know of; sign your name.

Q. Did you sign your name? A. Yes.

Q. Every one of you sign your names? A. Those that could write.

By Mr. HIRSCHBERG:

Q. Wasn't your name referred to the committee on character? A. No, sir.

By Mr. GARDNER:

Q. Nobody was admitted in the club without they had good character? A. We didn't wish to have them in the club.

By Chairman ROESCH:

Q. Nobody was admitted in the club that wasn't a voter? A. No, sir.

Q. Nobody was admitted in the club that didn't pledge himself to vote the Republican ticket? A. I don't think there was.

Q. No danger of any Democrat getting in there? A. Not if we knew he was one.

Q. You fired some men out of the club window the night before election? A. Not out of the window; there was none fired out to my knowledge.

Q. They were politely conducted out? A. They were politely asked to vacate, and I suppose they thought it was best for them to do it.

Q. Was there any sign or mark or anything agreed upon between you all so you should know that you voted the Republican ticket? A. No, sir.

Q. When you came there to get your money how did the man that paid you the money know you were entitled to five dollars and forty-five cents? A. I suppose he took my word the same as all the rest, that I had voted.

Q. You did nothing to make known to him you have voted and had voted his way? A. No, sir.

Q. You didn't give him any little badge or token? A. No, sir.

Q. Any sign or script? A. No, sir.

CHARLES H. WESTERVELDT, being duly sworn, testified as follows :

By Mr. GARDNER :

Q. You live in the town of Chester? A. Yes, sir.

Q. On the day of election was John G. Walsh in the place? A. I so understood.

Q. He lives at Goshen? A. Yes, sir.

By Mr. HIRSCHBERG :

Q. Do you know him? A. Yes.

Q. Did you see him there that day? A. No, sir.

Mr. HIRSCHBERG.—I move to strike that out.

By Mr. GARDNER :

Q. Is he a Republican worker? A. Yes, sir.

Chairman ROESCH.—Strike that out that he was there.

TIMOTHY MAXEY, being duly sworn, testified as follows :

By Mr. GARDNER :

Q. Were you a Democratic inspector in the third election district of the town of Highland Falls last fall? A. Yes, sir.

Q. Some of the soldiers at West Point voted there? A. Yes, sir.

Q. Were there any challenges made to their vote? A. Yes, sir.

Q. On an examination of the list you are able to state the number of challenges that were made? A. Yes, sir.

Q. And by whom they were made? A. By Mr. Henry Darcy.

Q. Upon the ground they were non-residents? A. Yes, sir.

Q. You had an order to show cause against you before Judge Beatty? A. Yes, sir.

Q. At which you were present? A. Yes.

Q. Why the names of some of those soldiers of West Point should not be stricken off the list? A. Yes, sir.

Q. There was a soldier by the name of whom that was ordered to be stricken off? A. I forget now.

Q. There was one whom the judge ordered stricken off? A. Yes; I think it was Grover.

By Mr. HIRSCHBERG:

Q. Was his name stricken off? A. Yes.

Q. And he didn't vote? A. He didn't vote.

Q. The other names he didn't order stricken off? A. No.

By Mr. GARDNER:

Q. The inspectors were present before Judge Beatty? A. Yes, sir.

Q. They struck off no names excepting this one after the order was signed by the judge? A. Yes.

Q. They didn't strike off any others? A. Not that I can remember.

Q. How many challenges were made? A. I couldn't tell just now.

Q. Can't you tell approximately? A. I haven't the slightest idea.

CHARLES A. NORBURY, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live in Sullivan county and a member of the Democratic county committee? A. Yes.

Q. Were you an inspector in the first election district of the town of Mamakating? A. No, sir; ballot clerk.

Q. Did you observe the ballots which were delivered to you and for which the board gave a receipt? A. Yes, sir.

Q. Did you observe anything irregular at all in the first district? A. No, sir.

By Mr. DIMMICK:

Q. You counted the ballots? A. Yes, sir.

Q. Did the other ballot clerk count too? A. The other ballot clerk counted with me.

Q. And the inspectors? A. They did not count them.

By Mr. GARDNER:

Q. You had your full number of ballots delivered at your polls in the first district? A. Yes, sir.

Q. There wasn't any deficiency? A. No, sir.

By Mr. HIRSCHBERG:

Q. Did you say the inspectors didn't count at all? A. No, sir.

Q. Didn't count any ballots? A. No, sir.

Q. Did they see what you counted? A. I presume they did.

Q. Did you and the other count together? A. Yes, sir; we each counted a pile to see whether the numbers were in rotation:

Q. And you counted each other's piles? A. Yes, sir.

Q. You know the returns as announced were correct? A. Yes, sir.

Q. Is that your usual way there? A. Yes.

Q. That is the way you have always done? A. We have only had the official ballot once.

Q. The result was the same as in former elections in that district?

A. Yes, sir.

Q. Didn't differ from what it had been heretofore? A. Not materially.

WILLIAM F. MILFORD, being duly sworn, testified as follows:

By Mr. WASHBURN:

Q. You acted as clerk for Mr. Lamont during the last campaign?

A. I did.

Q. Do you recall a letter received by him from one of the officers of the Independent German Club of Middletown? A. I do.

Q. How many letters do you recall he received from that club?

A. I remember one letter.

Q. Will you state the substance of the letter.

Mr. HIRSCHBERG.—I object to that.

Chairman ROESCH.—Objection sustained.

Q. What became of the letter? A. The letter was misplaced, not been able to find it.

Q. Have you tried to find it? A. I have.

Q. Have you searched for it? A. I have.

Q. Where did you search for it? A. Searched at Turner's and searched at Goshen, that along with some other letters.

Q. At what place in Goshen? A. At the club-room of the Democratic county committee.

Q. State the substance of the letter?

Mr. HIRSCHBERG.—I object to it; whose handwriting was it in?

By Chairman ROESCH:

Q. Do you know from whom the letter came? A. I know who signed the letter.

Q. Whose name was to the bottom of the letter? A. Charles Keaner; I have seen his handwriting.

By Mr. HIRSCHBERG:

Q. You don't know it was his signature? A. No, sir.

Mr. HIRSCHBERG.—I object to it.

Chairman ROESCH.—Keaner is in the senate chamber.

Mr. WASHBURN.—We wish to show this letter was not answered; no attention was paid to it by Mr. Lamont.

Chairman ROESCH.—Suppose you prove that a letter was sent to Mr. Lamont in which he was offered 100 votes for \$500 and he paid no attention to that letter?

Mr. GARDNER.—Follow it up by proof that the same club voted the Republican ticket, voted it as a unit and it is a strong fact that they must have been influenced by pecuniary motives.

By Mr. WASHBURN:

Q. This letter purporting to be from Mr. Keaner, was that letter ever answered by Mr. Lamont? A. No, sir.

By Mr. GARDNER:

Q. What was the substance of that letter?

Mr. HIRSCHBERG.—I object to it.

Chairman ROESCH.—Objection sustained.

Chairman ROESCH.—We will adjourn the Newburgh hearing until next Friday afternoon at half-past 2 o'clock in the senate chamber with the understanding that the committee will give you a session from that time until 6, and in the evening from half-past 7 until such time as you choose to sit and have testimony for the committee to hear and on Saturday morning. Are you going to close for the contestant.

Mr. WASHBURN.—We will close at the afternoon session Friday.

The committee then adjourned.

FRIDAY, *February 19, 1892* — 3 P. M.

The committee met pursuant to adjournment.

Present—Chairman Roesch and Senator Endres.

Mr. GARDNER.—Under the announcement the chair made at the last session, the witnesses who had been properly subpoenaed did not appear then. As they did not, we might have the privilege of offering their evidence, if we deem it best, before the final close of the investigation. As I understand, those witnesses, all of whom were subpoenaed on the other side, are not present here to-day; at least I will call their names in regular order, and with that reservation we are prepared to close our case to-day.

Mr. Gardner called the names of Mr. Lucky from Middletown; Charles St. John from Port Jervis; John G. Walsh, Goshen; William Myers, Middletown; William Mines, Goshen; Charles H. Ryan, Newburgh; Charles P. Keaner, Middletown. Neither of the above witnesses responded.

Chairman ROESCH.—The witnesses who were subpoenaed for the last hearing are not obliged to come to this hearing, unless they were subpoenaed over again, or were directed by the chair to come to the hearing. The fact that a witness is subpoenaed to appear at a particular hearing, and he does appear, is not placed upon the stand, and the committee adjourns to another day, that situation alone does not compel the witness to come on that second day. No one asked the committee to specifically instruct the witnesses to appear again; so that you can not do anything if you did not subpoena these witnesses for to-day.

Mr. GARDNER.—The counsel for the contestant understood the committee to suggest that those witnesses who were duly subpoenaed and who did not appear at the last session, that we might have the privilege of swearing those witnesses at any time before the close of the contest; so in order to put ourselves in a proper position to do that, we wish it to be known that they are not here, as the reason why we do not swear them to-day.

Chairman ROESCH.—If I made the announcement at the last hearing that you would have the privilege of calling the witnesses at any subsequent hearing, you may do so, even if it is necessary momentarily to break in on the other side, should the other side have the case at the time; but that does not involve the further proposition upon which you appear to be acting now, that those witnesses were obliged to come to-day, though not subpoenaed for to-day. If that were so *non constat* but they would have to appear at some hearing next week. Call what witnesses you have.

Mr. GARDNER.—The committee holds we will have to subpoena these witnesses to get them here at a subsequent hearing, if we desire to swear them?

Chairman ROESCH.—Unquestionably.

Mr. GARDNER.—We misunderstood the committee. As a matter of law, if a witness is subpoenaed in a court of justice he must be on hand on any day during the term, if he is paid. We wish it to appear we could not find these men.

Chairman ROESCH.—If a witness is subpoenaed for the opening day and the case is not reached for trial on that day, and the court announces the witnesses subpoenaed in the case of Jones v. Smith will, without further direction, appear to-morrow morning 11 o'clock, those witnesses are obliged to appear; where there is no such announcement made the witnesses are not obliged to appear.

Mr. GARDNER.—We understood the committee to so state.

JOHN G. EARLE, being duly sworn, testified as follows:

By Mr. WASHBURN :

Q. You are a voter in the town of Woodbury, Orange county? A. Yes, sir.

Q. Did you vote there at the last election? A. Yes, sir.

Q. Were you present most of the day at the polls? A. From about 9 o'clock in the morning.

Q. From that time on up to the close of the polls you were present? A. Yes, sir.

Q. Did you see any electioneering, soliciting of votes, inside the limit of 150 feet, at that polling place? A. I saw a man come up the stairs and ask a man if he wanted to see him; he said he did; and they both went off downstairs together; in the meantime, while they were away, I was appointed one of the watchers, and went inside the poll, and this man that came up and asked him, he came in to vote.

By Chairman ROESCH:

Q. What was the name of the voter that came up to vote? A. Lent.

Q. What was the name of the man who asked him if he wanted to see him? A. Halleck.

Q. You were appointed a watcher and you went up stairs, what occurred after that? A. I was upstairs at the time, outside of the rail; Mr. Lent came in and wanted to vote, and he said he couldn't see; wanted to take a man in with him, and he picked out Mr. Halleck to go in the booth with him, and they went in together.

Q. Before Mr. Halleck and Mr. Lent went into the booth together, I understand you to say both of them had been outside? A. Yes, sir.

Q. Mr. Lent came in to vote and then Mr. Halleck went up to Mr. Lent and asked him if he wanted to see him? A. Before he came in to see him.

By Mr. WASHBURN:

Q. Where was that; inside the polling place? A. Inside the room.

Q. Outside of the rail? A. Yes, sir.

Q. Did he take the oath of disability that he couldn't see? A. Yes.

Q. Do you know whether he can see or not with glasses? A. I saw him read some print; I think it was the next day; about the size of the print on the tickets.

Q. Without glasses? A. Yes, sir.

Q. He didn't have Mr. Halleck with him at that time to read? A. No, sir.

Q. Did you see any other cases of electioneering inside of the limit of 150 feet? A. In the afternoon I saw a man go into the polls; his name was Lewis Beale; I was coming up the stairs at the time; I saw these two men reach over and tap him; Mr. Halleck and Mr. Sutherland reach over and tap him on the sleeve.

Q. Reach over what? A. Over the rail, and the man turned around, and they says, "Tell them you can't see," and he went up to the inspector, and I walked inside the rail, and the man stood around some time, and the inspector told him he would have to make affidavit, and the man outside named Thompson says, "You give that man a ticket; he will know what to do with it;" I don't think he told them he wanted to make affidavit; I don't think he did.

Q. Did he make the affidavit? A. No.

Q. Did he vote? A. Yes; Mr. Thompson spoke up and says, "You give that man a ticket and he will know what to do with it."

Q. Who is Thompson? A. An outsider.

Q. Democrat or Republican? A. Democrat.

Q. These two men, Sutherland and Halleck, what are their politics? A. Republicans.

Q. Are they active workers there? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. What rooms were the polls held in? A. Over Mr. Templeton's store.

Q. A large room? A. Perhaps eighteen feet square.

Q. How many men were up there outside of the rail at the time Mr. Lent came up? A. I couldn't say for certain; I suppose five or six.

Q. You among them? A. Yes, sir.

Q. Men of both parties? A. Yes, sir.

Q. Mr. Lent came up to the head of the stairs? A. Yes; Mr. Lent asked Mr. Halleck if he wished to see him.

Q. Then they went away? A. Yes, sir.

Q. You don't know where they went? A. No.

Q. After that did Mr. Lent come back alone? A. I couldn't say whether they came up the stairs alone; he came inside the guard-rail.

Q. Where was Mr. Halleck when Lent came inside the guard rail? A. He must have been on the outside.

Q. You didn't see him there? A. I couldn't say I did.

Q. You don't know where he was? A. No; I don't know as I do.

Q. Mr. Lent said he couldn't see? A. Yes, sir.

Q. And swore to it? A. Yes, sir.

Q. And asked Mr. Halleck to go in the booth with him? A. Yes, sir.

Q. How many booths were there there? A. Seven, I think.

Q. Where were they located? A. Located on the north side of the building.

Q. Where are the windows? A. There are two windows on the north side and two on the east side.

Q. Which booth did he go into? A. I ain't sure but it was three; the booths weren't numbered.

Q. You know which one he went into? A. I don't remember.

Q. Do you know whether you have ever been in that booth that he went into? A. I couldn't say whether I was or not.

Q. That is what you call electioneering within 150 feet? A. I didn't call it any electioneering.

Q. Do you call it electioneering? A. No.

Q. You don't know as it would be fair to call that electioneering? A. I don't know as they mentioned anything in regard to voting.

Q. It didn't strike you so at the time? A. It struck me going down stairs.

Q. I am talking about electioneering within 150 feet of the polls; you don't know where they went to do their electioneering? A. No.

Q. Or how far away it was? A. No, sir.

Q. You saw no electioneering in the poll-room? A. No.

Q. Did you hear Mr. Halleck ask him to vote any particular ticket; he did nothing of that sort, which is usually considered electioneering? A. No, sir.

Q. The other instance that I understand was entirely aborted, nothing was accomplished by it at all; he went in the booth alone and voted as he saw fit? A. Yes, sir.

Q. Just as Mr. Thompson suggested? A. Yes, sir.

Q. Somebody suggested to him to say he couldn't see; who was it? A. Mr. Sutherland.

Q. What Sutherland? A. Amos Sutherland.

Q. The old gentleman? A. No; his son; either Mr. Halleck or Mr. Sutherland; I couldn't say which.

Q. He didn't tell them so; wouldn't take the oath? A. He didn't.

Q. Was that all that was done on that occasion? A. Yes, sir.

By Mr. WASHBURN:

Q. Where was this man Beale at the time they asked him to suggest he couldn't see? A. Inside the guard-rail.

Q. These two men reached over the guard-rail to speak to him? A. Yes.

Q. Was it Amos Sutherland or Alexander Sutherland? A. Alexander Sutherland.

By Mr. HIRSCHBERG:

Q. Do you say both men reached over, did they both say this? A. That I couldn't say; they both reached over, kind of stuck over this way; I couldn't say whether both said it or not.

By Chairman ROESCH:

Q. I understand you, Lent and Halleck went out together? A. Yes, sir.

Q. Went out of the building? A. Went down stairs, I suppose they went all the way out.

Q. You don't know where they went? A. No.

Q. You remained in the room in which the voting was going on while they had gone out? A. Yes.

Q. How long before they came back? A. I don't think it was more than ten or fifteen minutes.

Q. How far could they have gone in that time, out of the building and down the street? A. Yes, sir.

Q. But in point of fact you do not know where they went after they left the polling room? A. No, sir.

Q. Were you there when they came back? A. Yes, sir.

Q. Was this done by Mr. Halleck in the case of any other voter but Lent? A. That I couldn't say; I didn't see.

Q. Lent and Halleck came back together, did they? A. I couldn't say whether they came back together; they couldn't have been more than a minute or so apart; I was inside the rail while they were gone.

Q. Did Halleck, in your presence, hand Lent any paster or ballot? A. No, sir.

Q. Where do you live? A. Highland Mills.

Q. Do you know the gentleman that brought you these two papers? A. No, sir.

Q. Do you see him anywhere in the room? A. No.

Q. Would you know him if you saw him again? A. I rather think I would.

ROBERT HANNA, Jr., being duly sworn, testified as follows:

By Mr. DIMMICK:

Q. You reside in the first district of the first ward of the city of Newburgh? A. Yes, sir.

Q. Voted there on election day? A. I did.

Q. On election day were you most of the time in the second district of the first ward? A. All the time.

Q. Who was the principal worker in that district? A. James Todd.

Q. He was the man that seemed to have control and management of the district for the Republicans? A. Yes, sir.

Q. Did you assist Mr. Todd? A. I did.

Q. How? A. I stood there and he asked me if I could do him a good turn to do it.

Q. Soliciting votes for the Republican ticket? A. Giving them pasters.

Q. And asking men to vote the Republican ticket?

Mr. HIRSCHBERG.—I object to that leading examination.

By Chairman ROESCH:

Q. What did you do? A. I stood about 150 feet or 200 feet away from the polls.

Q. Sure it wasn't within 150? A. Not to judge of the houses.

Q. Did you measure it before you went to work? A. No, sir.

Q. Go on? A. I was about 150 feet anyway away from the polls; there is a white paint line drawn on the sidewalk on each side of the polling place, and I stood there, and quite a few came up to me and asked me what I was doing there; I said I was just standing here as a volunteer worker; told them if they wanted a paster in my line I would give it to them; some of them approached me and asked me if there was anything into it; I says, "I ain't got nothing to give you; don't know nothing."

By Mr. DIMMICK:

Q. When anyone would ask you if there was anything in it, would you send them to anyone? A. I would tell them I had nothing myself, but Mr. Todd might have, something like that.

Q. You sent them to Todd? A. I told them Mr. Todd had something, and they would walk away from me, and sometimes they would go to Mr. Todd and sometimes they wouldn't; several came up that way and asked me that way; I told them the same old story, that I had nothing; a good many took the pasters off me and went in and voted, and never asked no questions.

By Chairman ROESCH:

Q. Was that an old story to you; this same story? A. Three or four.

Q. Had been telling this same story at previous elections? A. No; never worked before at elections.

By Mr. DIMMICK :

Q. How many did you sent to Todd that asked you if there was anything in it? A. From four to six anyway.

Q. Did you see them go to Todd and have a conversation with Todd and receive from him a paster? A. I didn't see them receive no paster but I saw them go to Todd.

Q. Did you see them leave Todd and go in the polling place? A. Sometimes they would walk up toward me and turn around and go back in again.

Q. Did you see any of them go in the polling place and vote? A. Yes.

Q. After your sending them to Todd and their having a conversation with Todd did you see them leave Todd and then go in the polling place? A. I did.

Q. After they came out of the polling place where would they go? A. They would walk up the road.

Q. With Todd? A. Sometimes with Todd; sometimes Todd was up the road, sometime he wasn't there.

Q. They would go in the direction of where Todd was? A. They couldn't go in the direction when he was inside.

Q. When he was outside? A. Yes.

Q. Todd and they would go around the corner? A. Sometimes.

Q. You say there were four to six of those you sent to Todd? A. Yes.

Q. How many of those four or six people did you see go to Todd, after having a conversation with Todd, go in the polling place and then come out from the polling place and go around in Johnson street with Todd? A. Pretty near all of them, I guess, that I sent to him.

Q. Know a man by the name of John McCormack? A. I do.

Q. Did you send John McCormack to Todd? A. I did not.

By Mr. HIRSCHBERG :

Q. This is the first time you ever attended the polling place of an election? A. The first time I ever had anything to do do with them.

Q. All you had to do with it was what you stated? A. That is all.

Q. Mr. Todd asked you if you wouldn't take some pasters? A. I had pasters in my pocket.

Q. He asked you if you wouldn't stand outside of the 150 feet and solicit men to vote the Republican ticket? A. He said if I knowed any friends that would vote that ticket to get them.

Q. Did he ask you to use any improper means? A. He did not.

- Q. Furnish you with any funds? A. No, sir.
- Q. Any intimation of that kind? A. No, sir.
- Q. Did you see him give anybody anything? A. I did not.
- Q. Either paster or money? A. I couldn't say; I didn't see him give them no money.
- Q. That you are positive about? A. Yes, sir.
- Q. Did you see him give anybody a paster even? A. I couldn't recollect that.
- Q. Do you recollect that you did see it? A. No, sir.
- Q. Where was Todd standing, on the sidewalk? A. Yes; sometimes on the sidewalk, sometimes out to the curbstone.
- Q. It was on the public street? A. Right on Broadway.
- Q. One of the most thoroughly thronged streets in the city? A. Yes, sir.
- Q. Probably the busiest street? A. I don't know about that.
- Q. Just as many people up and down Broadway as any other? A. Yes, sir.
- Q. Did he do what he did there upon the sidewalk? A. He did.
- Q. Plainly and openly? A. Yes, sir.
- Q. Were there Democratic workers there where Todd was? A. There was two stood down around the polls.
- Q. Near him? A. Sometimes he was talking to them.
- Q. Who were they? A. One man's name is Mike Durkin.
- Q. Who was the other? A. His last name is Hearn, a boilermaker.
- Q. These men were in a position to see what Todd did? A. Sometimes.
- Q. When you sent men to them they could see it? A. Yes, sir.
- Q. They were there all day? A. I couldn't say they were there all day.
- Q. Hearn and Durkin, were they there all day, one or both of them? A. Yes; all the time that I was there.
- Q. Were they working for the Democratic party? A. They didn't seem to be.
- Q. Who had charge of the Democratic party there? A. That I couldn't say.

By Mr. DIMMICK:

Q. Johnson is not a populous street, isn't a public thoroughfare, there are not many people going through there? A. Not so many; not as many as there is on Broadway.

By Mr. HIRSCHBERG:

Q. Isn't Johnson street one of the principal streets of the city? A. It is for tenement-houses.

Q. For residences? A. Yes, sir; but not right there by the armory; there ain't many houses there.

Q. It isn't as public a street as Broadway? A. That is what I said.

Q. That is what you mean? A. That is what I mean.

By Chairman ROESCH:

Q. You say this is the first election day which you acted as a worker? A. Yes, sir.

Q. You never did at other elections what you did at the last election? A. No, sir.

Q. You are a Republican? A. I am.

Q. Todd a Republican? A. He says so.

Q. How long have you known Todd? A. About nine years.

Q. You met Todd before election? A. Yes; at a job I was working.

Q. What do you work at? A. Mason.

Q. What do you earn? A. Three dollars and twenty-five cents a day.

Q. You say that you volunteered election day? A. Not election day; I did not.

Q. You got paid? A. No, sir; I volunteered the night before election as a member of the Blaine club; they asked for volunteers; them that had idle time to go and help, and I done so.

Q. Your wages were three dollars and twenty-five cents a day; you worked election day around the polls? A. I did.

Q. You didn't get paid for that? A. No, sir.

Q. You didn't get paid for your lost time? A. I had to lose my time any way.

Q. Did you meet Todd the night before election? A. No, sir.

Q. The day before election? A. No, sir.

Q. Did you meet Todd before election at all and agree with him where you should be on election day? A. No, sir.

Q. He didn't know at all you were going to be around the polls on election day? A. He did not until I met him in the morning after I voted.

Q. Didn't you let some one know, in charge of the Republican organization, that you would work around the polls? A. That day I did.

Q. Who did you let know? A. Mr. McGifford.

Q. Did he pay you? A. No; he did not.

Q. You say you sent four or six men to Todd? A. I did.

Q. Could you recall their names? A. No; because they were most all strangers to me.

Q. They are strangers to you and came to you and asked you for pastors? A. I don't know their name but their face I know.

Q. They came to you and asked you for pastors? A. No.

Q. You offered them pastors? A. They came up to me and we stood and talked a while at the armory and they asked me what I was doing, and I told them I was there with pastors, and anyone wanted one of my pastors I would give it to them.

Q. Is that all you were there for, to give pastors if you were asked for them? A. That is all.

Q. Wasn't it your duty to endeavor to get people to vote your pastors? A. It was them that I knowed.

Q. You can't recall the names of the four or six? A. No.

Q. You didn't see Todd give them any money? A. No.

Q. Did you see him give them anything else? A. No.

Q. Any writing or any token of any kind? A. No, sir.

Q. Did you see Todd after the election? A. I seen him that night.

Q. You weren't paid anything by him then? A. No, sir.

Q. Did you ask him whether those four or six people whom you had sent to him had actually come to him and received their pastors from him? A. I did not.

Q. You had no comparison with him of the names of the voters? A. No, sir.

Q. You went there election morning how early? A. I couldn't say; it was in the morning; I got up about half-past 7, I think it was; knowed there wouldn't be no work for me.

Q. You went around to the neighborhood of the polls? A. I went down to the first district in the first ward where I voted.

Q. There is where you remained the rest of the day? A. No, sir.

Q. Where did you spend the rest of the day? A. I spent it at the regular district, as they call it.

Q. How is it you spent most of the day at that district instead of in the district in which you voted? A. I went there to see the chairman of that district; tell him I was a volunteer worker.

Q. You voted in the first district and you were a volunteer worker in the other? A. Yes, sir.

Q. You spent most of the day in the district in which you volunteered as a worker? A. In the rag district.

Q. You remained in the rag district most of the day; you sent four or six people to Todd; you met Todd election night, but you didn't get any pay for your services? A. I did not.

Q. You made no comparison with him in regard to the number of people that had voted? A. No, sir.

Q. Or in regard to the number of men you had sent for him? A. No, sir; never mentioned it.

Q. You are a member of the Blaine Club? A. I am.

Q. Where does that club meet? A. In Newburgh.

Q. How many members in that club? A. In the neighborhood of three hundred and some odd.

Q. Did you get any donation election day? A. No, sir; none that I know of.

By Mr. DIMMICK:

Q. When you met Todd that night did he say anything about being broke? A. I was going up Broadway on a little business; I forget exactly what I was going up for; in front of Mr. Hastings' I happened to meet Mr. Todd, and he says, "how do you do;" I says, "Hello," like that; just at that, William George Tygert was coming out of the door, and he says, "Hello, Bob;" I says, "How do you do;" Todd says, "That is the man that broke me to-day;" just at that a carpenter walked up in, and I turned on my heel and walked off.

By Chairman ROESCH:

Q. Let me ask you the name of the man to whom you went to whom you volunteered? A. James McGifford.

Q. What is the name of the man that Todd said broke him? A. He said that I was the man that helped break him.

Q. Todd said to Tygert that you were the man that helped break him? A. Yes.

Q. What did he mean by that? A. I don't know.

Q. Did he mean you called on him too often? A. I don't know what he meant by it.

By Mr. HIRSCHBERG:

Q. The Blaine Club is a club composed of about 350 young men in the city? A. I think so.

Q. Do I understand you to say a number of them were assigned to different districts that day? A. They volunteered.

Q. How many of them? A. There was two in our ward that I knowed of.

Q. Did you volunteer to work in any particular district? A. No.

Q. Who assigned you to the second district? A. Nobody.

Q. It was your own choice? A. No, sir; I had no choice.

Q. How did you come to go there? A. I went down and voted in the first district, at the truck-house; I came out and met Mr. Todd; I says, "Where will I see McGifford?" he says, "He is up there to the rag shop;" I said, "I guess I will go up and see him;" he says, "What for?" I told him I was sent there as a volunteer worker; I went up and he called McGifford out, and told McGifford what I was sent there for; I told him I was a volunteer worker from the Blaine Club; he says, "I am sorry, but I have no place to put you; I just sent for Gordon to take a wagon to go around for the people; I suppose you never done any of it before;" I says, "That is all right;" and I turned on my heel and Jim Todd says, "Take a walk up the road," and we went up the road may be to Washington street, and we came back again; he says, "Go up to Hastings and get some pastors," and I went there and got some pastors, and he asked me wouldn't I stay around and help him out, and I done so; that is the way I came up in that district.

Q. Whatever you did you did gratuitously as well as voluntarily? A. Without pay.

Q. Or with the expectation of pay? A. No, sir.

Q. Simply because you were a member of the Blaine Club, and the club had asked the young men to enlist themselves? A. Yes; those that had idle time to do it.

Q. This is the truth? A. Yes.

Q. This evening, when Mr. Todd said to Tygert, "there is the man that broke me," did he appear to be very much downcast? A. No; he just said it in a joking way.

Q. How old are you? A. Twenty-five years old.

THOMAS LYNCH, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live in New York city? A. Yes, sir.

Q. What is your business? A. Detective.

Q. Were you engaged as such at the last fall election in the city of Port Jervis? A. Yes, sir.

Q. By the Democratic club of that city? A. I presume it was.

Q. You were around the polls in the fifth and eighth districts of the city of Port Jervis more or less, all day? A. Yes, sir.

Q. In those districts did you see Charles St. John? A. Yes, sir; I saw him several times.

Q. He is a Republican worker? A. Yes, sir.

Q. Did you during the day see him soliciting votes in the eighth district? A. It appeared to me he was.

Q. What did you see him doing? A. I saw him speaking to several men, I should think within a hundred feet of the polling booth; I wasn't very well acquainted with the town so I couldn't name any streets; I think it must have been within a hundred feet of the polling place I saw him speak to several men; in one instance I saw two men leave the eighth district and go down to the fifth; they noticed I was watching them.

Q. What were their names? A. That I didn't get, because I didn't see any money passed; I saw them go down to the fifth district, and as soon as they saw I was noticing them they turned around and looked at me, and turned around and went back; they didn't vote at all; I also saw him speaking to two men, John Dwyer and John Flaherty, in the eighth.

Q. What distance from the polls? A. I guess it would be the same distance; there were four corners; I saw him over close to those men, and I thought by their actions there was something wrong; I went up to Dwyer and Flaherty and said, "What was St. John saying to you?" "He was just asking us which way we were going to vote;" I said, "Is that all?" he looked at me, and didn't make any reply; I says, "How much did he give you?" "Oh," he says, "we got fifty cents each;" I got the money from them and they went before Mr. Lyon, made an affidavit to that effect, with the money in their hand; they both seemed to fear Mr. St. John very much.

Mr. HIRSCHBERG.—I move to strike that out.

Chairman ROESCH.—Strike it out.

Q. Did you ask him to let you see the paster at that time? A. Yes, sir.

Q. (Presenting) Is that the one he handed to you? A. It was the Republican paster; I couldn't say whether that was the one or not.

Q. Whose writing is this? A. That is my writing.

Q. Did you put it in that envelope? A. I put it in the envelope and put the coin in there with it, and marked the man's name.

Q. Did you make that memorandum? A. Yes, sir.

Q. Did you mark the date of the coin, 1856? A. Yes, sir.

Q. Are you able to identify that and this paster as the ones Flaherty handed to you at that time? A. It is a paster of the same kind, I would swear to.

Q. You put it in that envelope? A. I put it in that envelope and sealed it up, a copy of the piece and date, and put that in on a separate paper.

Mr. GARDNER.—We offer that in evidence as a Republican paster.

Chairman ROESCH.—I don't think that is necessary.

Q. Mr. Dwyer handed to you also the coin that he received? A. Yes, sir; at the same time a half dollar — a fifty-cent piece.

Q. The Republican paster he handed to you? A. Yes, sir.

Q. That agrees with the memorandum you made at the time? A. Yes, sir.

Q. How far from the polls were these parties, about? A. Must have been a hundred feet.

Q. That day did you see Matthew Winters? A. I saw Matthew Winters and a young fellow named Patrick Ginty; I saw St. John speaking to both of them; I went to Ginty first and asked him how much he got for his vote; he said he got two dollars; I says, "Where is the money?" He says, "I spent it;" I says, "Did you vote?" He says, "I am not going to tell you;" he gave me a paster a little while after that; I saw St. John speaking to Winters; I asked Winters the same thing; Winters said, "Yes; I got two dollars;" I says, "Where is the money?" He says, "It is here;" I says, "Did he give you that paster too?" He says, "Yes."

Q. Was it a Republican paster? A. Yes; I looked at it; he said, "St. John said to me, now, if you don't vote that ticket I will know, because I have marked it;" I have been looking all over, and the only mark I can see is the impression of his thumb nail on the side.

Q. This Ginty, was he there at the time that Winters was? A. He was with Winters at the time I got the two dollars from Winters, and also the paster.

Q. Did you see St. John hand Ginty anything? A. No; I didn't see that at all.

Q. Only he was there at the time? A. He was there at the time; I saw him speak to Ginty, but I didn't see him hand him anything.

Q. More or less all day did you see St. John soliciting votes from voters within the poll limits in the eighth district?

Mr. HIRSCHBERG.— I object to that.

Q. What you have stated as having seen him doing; was it occurring more or less all day? A. More or less all day.

By Mr. HIRSCHBERG:

Q. That is, you saw him talking to people more or less all day? A. Yes

Q. You didn't hear what he said to them? A. No, sir.

Q. Not in any instance? A. No, sir.

Q. You were employed as a detective by the club in Port Jervis? A. That I couldn't say who the employers were; I received my instructions in New York.

Q. Instructed to go to Port Jervis and discover what you could in the way of bribery? A. Yes, sir.

Q. On one side? A. I wasn't given any side, any particular side.

Q. You didn't know who you were to watch? A. Yes; I did know.

Q. You were instructed to watch somebody? A. Yes, sir.

Q. Who were you instructed to watch? A. Anybody that I saw committing bribery.

Q. No one specially? A. My attention was called to St. John on account of his being prominent around there.

Q. When you were instructed to go there? A. No, sir; after I got there.

Q. That was before election morning? A. No, sir; election morning.

Q. At what time? A. It would be half-past 7, I suppose.

Q. That you were invited specially to watch St. John? A. Yes, sir.

Q. He didn't know you? A. Not at that time he didn't, but he did later in the day.

Q. About how late in the day was it do you understand he knew who you were? A. About 11 o'clock, when I followed him in Calligan's saloon.

Q. From half-past 7 to 11 o'clock did you watch him? A. No, sir; I didn't watch him specially, but I kept an eye on him every time, I saw him.

Q. Did you watch him specially after that? A. Yes, sir; because his actions warranted it.

Q. Never mind the reasons; just answer the facts; did you watch him as carefully as you knew how? A. Yes, sir.

Q. And as close as you could? A. Yes, sir.

Q. Did you see him hand any money to anybody during the day? A. I never saw the money passed.

Q. Did you see him hand any money during the day to anybody? A. I couldn't say I saw the money passed; I saw his actions, which caused me to ask the parties whether he had given them money.

Q. Did you see him give the money to them? No, sir.

Q. Did you see him hand pasters to anybody? A. Yes, sir.

Q. Who? A. Two or three men; but they didn't get any money; I don't know what their names were; they wouldn't tell me their names.

Q. How long have you been a detective? A. Three or four years.

Q. You have been on the witness stand before? A. Once.

Q. Can you give the names of any other persons you saw him hand pasters to? A. No, sir.

Q. What you have testified to here about money is simply what you have been told by the parties? A. Yes, sir.

Q. Not at all what you have seen? A. I saw him approach the parties, but I didn't see the paster and the money passed.

Q. What you have testified to here is what you have been told by these parties? A. Yes, sir.

Q. In every instance they gave you the money which they said they received from him? A. Yes, sir.

Q. And gave you the paster which they said they received from him? A. Yes, sir.

Q. None of them voted the paster? A. No, sir.

Q. Nor kept the money? A. No, sir.

Q. You got all the money? A. All that gave me the money.

Q. All that you know of? A. All that I could swear to.

Q. All that you know of your own knowledge you got the money?
A. Yes, sir.

Q. Did they give it to you willingly? A. I asked them for it.

(Question repeated.) A. Yes, sir.

Q. Voluntarily? A. Yes; I just asked them, and they gave it up.

Q. You gave them nothing? A. No, sir.

Q. Promised them nothing? A. No, sir.

Q. Made no representations to them to induce them to give it to you? A. No, sir.

Q. You were a stranger to them? A. Yes, sir.

Q. At your request they gave you the money which they said they received for their vote, and let you take it away? A. Yes, sir.

Q. They not to receive it back again? A. No, sir.

Q. Nor anything else for it? A. Not that I know of.

Q. And they didn't vote, so far as you know? A. Not those three that I mentioned.

Q. Those are the only ones you know of? A. Positively.

Q. Of your own knowledge? A. Yes, sir.

Q. Whatever else you know is mere suspicion? A. Mere suspicion.

By Chairman ROESCH:

Q. Did they ask you what you wanted with that money when you asked them for it? A. No, sir; I have been a stranger around there; I presume that they thought I was there watching them, or something to that effect; I took it that way, because they acted so; they didn't ask me who I was or what I was, and I didn't tell them.

Q. Did you tell them you were a detective? A. No, sir.

Q. Did you tell them you had been sent there to keep an eye on the election, and detect anyone committing any crime against the franchise? A. No, sir.

Q. You asked them for the money and they willingly parted with it? A. Yes, sir.

Q. Did you tell them if they gave you the money that you would not prosecute them or inform against them? A. No, sir.

Q. Or bring them up as witnesses in any proceeding? A. No, sir; I made no promises.

By Mr. GARDNER :

Q. Flaherty and Dwyer went with you and made a complaint and swore to it? A. Yes, sir; and Winters also.

By Chairman ROESCH :

Q. What became of those cases? A. They made an affidavit.

Q. What became of the cases ultimately?

Mr. GARDNER.—St. John was arrested and gave bonds, and the witnesses disappeared afterwards.

Mr. HIRSCHBERG.—Nobody appeared, as I understand it, before the grand jury.

Mr. GARDNER.—As I understand it, the witnesses were out of the State. I believe that is all we have to-day. These other witnesses that I have explained before, are witnesses we would like to examine.

Mr. HIRSCHBERG.—I think they ought to examine those witnesses before they close their case; it is not our fault they are not here.

Chairman ROESCH.—That is true; at the same time you were told at the last hearing they would conclude.

Mr. HIRSCHBERG.—I believed they would do it but they haven't been true to their pledge.

Mr. WASHBURN.—In what particular?

Mr. HIRSCHBERG.—In closing; because you reserve some half dozen important witnesses, which you didn't even subpoena or notify to be here.

Mr. GARDNER.—That was the understanding of the counsel, that the committee said that those parties must be here, that they were subpoenaed and we applied formally to have an attachment issued against them at that time; Mr. Hirschberg said Mr. O'Neil was not here, and he wanted him to examine those witnesses from the central part of the county and said they would be here; that is to say, he said he hoped when they were sworn Mr. O'Neil would be here.

Mr. O'NEIL.—Have you concluded your case?

Mr. GARDNER.—We have with the exception of these witnesses.

Mr. HIRSCHBERG.—Mr. Keaner was here anxious to be sworn. Mr. O'Neil came here and was here at 7.25.

Mr. GARDNER.—One of these witnesses is John G. Walsh. He is, perhaps, the only one; that is, the only one that if they insist upon it strongly, that we would care to examine. We will state what we expect to prove by him.

Chairman ROESCH.—I do not care to hear it; I do not believe in the practice of counsel stating what he expects to prove by a witness who he has not subpoenaed, whom he thinks he will subpoena on some future occasion. The proper way to do it is to subpoena the witness, produce your proof to the committee that he has actually been served with a subpoena, which has not yet been done in any case. There is no proof before the committee that any one of the witnesses have on point of fact been served with a subpoena to appear before the committee.

Mr. GARDNER.—We will make formal application before the committee to have Mr. Walsh attached, and with that exception and the other witnesses that are also in contempt; we would like to reserve the right to swear them.

Mr. WASHBURN.—Two of the witnesses, in Middletown, were again subpoenaed yesterday by the deputy sergeant, and a number of witnesses were not re-served whom we intended to have re-served.

Chairman ROESCH.—You ought to conduct the case as you would any trial in court without any suggestion from the chair and in defiance of any suggestion from the chair or the committee, if it be necessary, and try the case as nearly as may be as you would try a case in a court of justice. It is only fair to both sides in this contest and other counsel engaged before this committee to call attention to the fact that the resolution giving this committee the power to take testimony and have a stenographer and conduct the investigations in Albany and at other places as the committee might see fit, was only passed by the senate on last Monday evening. We took testimony, as you know, in all these cases, prior to last Monday evening, taking it for granted the resolution had passed. The resolution should have been passed on the first day of the session when the committee itself was appointed, so that should it be necessary to report any witness to the senate for a failure to answer any subpoena in the past, you would be met successfully by the answer that the committee had no power in the past to issue these subpoenas. So that only those witnesses that have been served with subpoenas to appear at sessions of the committee since last Monday, who have failed to appear, could be reported to the senate for action by the senate. The committee was very much in hopes you would close your case to-day.

Mr. GARDNER.— We will close to-day now with the exception that this formal evidence as to the memorandum of the returns in the two districts which counsel are to agree upon, will be offered, which has not as yet been offered. Simply documentary evidence.

Chairman ROESCH.— There is no question about that.

Mr. HIRSCHBERG.— It is important we should know what evidence they are going to claim.

Chairman ROESCH.— Counsel must not fence with the committee for delay. The returns themselves are in evidence.

Mr. HIRSCHBERG.— Still the committee will hear counsel?

Chairman ROESCH.— Yes.

Mr. HIRSCHBERG.— The committee would not make such suggestion or criticism if they listen to what counsel has to say.

Chairman ROESCH.— I want to call your attention to a communication from one of the county clerks which was sent here and filed by me with the clerk of the senate among the papers; I think it was a statement that he had made up in pursuance of the agreement entered into between counsel at Newburgh. Mr. Gildersleeve, I don't know whether you have a copy of it or not.

Mr. HIRSCHBERG.— No; we have no copy.

Mr. GARDNER.— If counsel don't wish to agree to that, the returns are already in evidence; let us close our case to-day with the understanding you are to look over this memoranda later, so as to expedite the examination of it by the committee. We will submit the case on the proof already given.

Mr. HIRSCHBERG.— There isn't any question before the committee as to what they desire to do. I was simply trying to make a suggestion which I think will shorten the proceedings, and the chair can reject it, and they can reject it, but I would like to make it. In the opening of the case it was stated specifically in respect to these returns that there were a number of irregularities; that in one district, No. 1, a ballot of No. 3 was voted, and that there were trimmed ballots attached to the returns in Orange county; that there were inconsistencies in the canvass; for instance, in one district, the counsel didn't remember what it was, there were more straight Democratic tickets returned than there were votes cast for Mr. Lamont, and in other districts there were more straight Republican tickets returned than there were votes cast for Mr. Richardson; in other districts the same, in still other districts the same thing with Mr. Richardson. Then, he says, we will go on and develop minutely the different districts we expect to raise our objection upon what you may call technical grounds. That was his promise, and I would suggest that it

would hardly expedite this investigation now that all the returns from both counties have been dumped bodily in the proceedings before the committee for us to take the time to go through all these and imagine which of them the attention of this committee will be called upon by the contestant and the committee urged to throw out returns because they are irregular, but it would be much easier if the counsel would indicate which of these election returns they claim are irregular and the ground.

Mr. WASHBURN.—That has been already done. The record will show the returns were called for by number, and were submitted on our side by number, and then the district attorney submitted all of those in a lump; we submitted the returns on our side by numbers.

Mr. HIRSCHBERG.—By those numbers they have never indicated and now I think it is time to do it; what there is in those returns which they claim to be irregular.

Mr. WASHBURN.—That is a different point.

Mr. HIRSCHBERG.—It would expedite the matter if they will inform us what is irregular in the districts in which they claim there are irregularities.

Mr. WASHBURN.—These certified copies will show in what districts there are irregularities. The districts have been already designated.

Mr. COUNTRYMAN.—The ground of objection we want.

Mr. WASHBURN.—The districts have already been designated, the grounds of objection are stated in the certified copy from the county officials. Doesn't that cover both points?

Mr. COUNTRYMAN.—That isn't in evidence yet.

Mr. WASHBURN.—I sent the clerk a copy of the memorandum taken from this return in each of the districts to which we take exception, and upon that memorandum the ground and condition to which we take exception is stated. When the clerk certifies that that memorandum is correct, then we have the ground in evidence as well as the designation of the district.

Mr. HIRSCHBERG.—That is all that is necessary.

Chairman ROESCH.—How did the county clerk come to be able to point out the irregularities upon which you rely?

Mr. WASHBURN.—I sent to the county clerk a copy of the memorandum in each district, to which we take exception, and upon that copy the condition to which we except, the condition of the return, the irregularity to which we take exception was indicated.

Chairman ROESCH.—The county clerk simply certified that in the districts to which you called attention, such a state of affairs existed

certifies to the returns upon which you claim the irregularities are established.

Mr. GARDNER.—On the face of the papers.

Mr. HIRSCHBERG.—I have no doubt that placed in our hands would give us the information we desire.

Chairman ROESCH.—I have been under the impression the other side was to have been furnished with a similar copy.

Mr. HIRSCHBERG.—That was true.

Chairman ROESCH.—I said at Newburgh if the returns on their face showed on their face irregularities, then the returns themselves would disclose it, and you and the other side could agree as to that fact. However each might differ from the other as to the argument, that would be based upon the facts. If the record is mutilated, counsel upon both sides can certainly agree upon a statement which shall show the particulars of the mutilation, though each side might argue differently as to the effect of the mutilation on the case. So in this matter you could agree. And I think that was my order—you should attempt to agree upon a statement showing the exact condition of the return.

Mr. HIRSCHBERG.—If we failed to agree, the returns were to be produced ourselves.

Mr. GARDNER.—We disagree now; they will not consent to that; therefore we let the returns stand as they are offered in evidence.

Chairman ROESCH.—The other side does not say so. Of course the other side would like to have had this all attended to, I presume, before they came here. I do not know whether the other side is prepared to go on with their case or not, if all those things were here.

Mr. GARDNER.—We think the committee from the returns themselves can get all the information we want to lay before the senate on that subject. If they do not want to take our word for it the certified memoranda are correct, it is not our fault.

Mr. HIRSCHBERG.—I would be perfectly content for the chair to make an order; they file with the stenographer and with us their claim of the condition of the returns, what they object to in each district, and let that go as evidence.

Mr. COUNTRYMAN.—Or else furnish us with a certified copy of their objection which they say they have filed with the clerk.

Mr. WASHBURN.—Does it prejudice the case of the sitting member if one of the county officials is a little late in furnishing a certified copy?

Mr. HIRSCHBERG.—Give us your statement of what you claim the returns show.

Chairman ROESCH.—With the exception of a statement which shall show what the returns discloses, your case is finished?

Mr. GARDNER.—It is.

Mr. WASHBURN.—We will submit this as a memoranda, stating the objections.

Chairman ROESCH.—Does this paper disclose your entire case in reference to those irregularities?

Mr. WASHBURN.—Yes, sir.

Chairman ROESCH.—Mark this in evidence. Now the case is closed.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE TOWN OF BLOOMINGROVE.

Governor (total)	245
Flower	78
Fassett	145
Bruce	19
DeLeon	2
Defective	1

Senator (total)	245
Lamont	81
Richardson	141
Seely	21
Blank	2

Republican plurality 60.

Justice of sessions (total)	245
Stevens	79
Bull	141
Talbott	19
Blank	6

Memoranda of ballots attached (28 short)	217
Straight Democrat	72
Straight Republican	128
Straight Prohibition	15
Straight Labor	2
Split tickets	0

Names of inspectors: E. J. McLaughlin, Charles H. Tuthill, Henry C. Brooks.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE TOWN OF CHESTER.

Governor (total).....	203
Flower	84
Fassett	113
Bruce	6
DeLeon	0
Senator (total).....	201
Lamont.....	85
Richardson	110
Seely.....	6
Blank	0

Republican plurality 25.

Justice of Sessions (total).....	200
Stevens	85
Bull	107
Talbott	8
Blank	0
Memoranda of ballots attached, ...	203
Straight Democrat.....	80
Straight Republican	103
Straight Prohibition.....	4
Straight Labor.....	0
Split tickets.....	16

Names of inspectors: George R. Vail, D. W. Miller, C. F. Wood.

Remarks.

The sixteen split tickets have Lamont paster for senator; and are otherwise Republican.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE TOWN OF CORNWALL.

Governor (total).....	329
Flower	145
Fassett	161
Bruce	23
DeLeon.....	0

Senator (total)	328
Lamont	143
Richardson	157
Seely	28
Blank	0

Republican plurality 14.

Justice of Sessions (total)	329
Stevens	143
Bull	157
Talbott	29
Blank	0

Memoranda of ballots attached (41 short)	288
Straight Democrat	131
Straight Republican (ballots trimmed)	136
Straight Prohibition	21
Straight Labor	0
Split tickets	0

Names of inspectors: Charles S. Atwood, Robert Mitchell, Robert Cleland.

Remarks.

Attached ballots are trimmed.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE TOWN OF CORNWALL.

Governor (total)	271
Flower	111
Fassett	147
Bruce	12
DeLeon	1
Senator (total)	267
Lamont	106
Richardson	149
Seely	12
Blank	0

Republican plurality 43.

Justice of Sessions (total).....	266
Stevens	107
Bull	147
Talbott	12
Blank	0

	Governor.	Senator.
Memoranda of ballots attached (no splits)	271	267

Straight Democrat.....	111	106
Straight Republican	147	149
Straight Prohibition	12	12
Straight Labor	1	0

Split tickets	0
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No statement of number of ballots.

Names of inspectors: Charles E. Miller, John W. McCauley, H. J. Van Duzer.

Remarks.

The number of ballots of each kind is indicated opposite name of each candidate.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT OF
THE TOWN OF CORNWALL.

Governor (total).....	135
Flower	59
Fassett	64
Bruce	11
DeLeon.....	1

Senator (total)	133
Lamont.....	58
Richardson	62
Seely	13
Blank.....	0

Republican plurality 4.

Justice of Sessions (total).....	133
Stevens	55
Bull	63
Talbott	15
Blank	0

Memoranda of ballots attached (no splits).....	135
Straight Democrat	59
Straight Republican (L. 58).....	64
Straight Prohibition	11
Straight Labor.....	1
Split tickets.....	0

Names of inspectors: C. C. Terry, E. J. Benjamin, Eugene Barton.

Remarks.

Affidavit dated November 12, that return is correct and explaining change of one vote in red ink on Rosendale, Danforth and Schenck.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT OF THE TOWN OF DEERPARK.

Governor (total).....	94
Flower	38
Fassett	53
Bruce	2
DeLeon.....	1

Senator (total).....	93
Lamont.....	38
Richardson	53
Seely	2
Blank	0

Republican plurality 15.

Justice of Sessions (total).....	93
Stevens.....	37
Bull.....	54
Talbott	2
Blank	0

Memoranda of ballots attached	94
Straight Democrat	37
Straight Republican (no splits)	54
Straight Prohibition (S. Rep. 54)	2
Straight Labor (Rn 53)	1
Split tickets	0

Names of inspectors : Lewis Cuddeback, C. J. Van Inwegen, John M. Thorpe.

MEMORANDA OF STATEMENT OF CANVASS IN THE SEVENTH ELECTION DISTRICT OF THE TOWN OF DEERPARK.

Governor (total)	257
Flower	101
Fassett	148
Bruce	5
DeLeon	3

Senator (total)	254
Lamont	100
Richardson	149
Seely	5
Blank	0

Republican plurality 49.

Justice of Sessions (total)	254
Stevens	101
Bull	148
Talbott	5
Blank	3

Memoranda of ballots attached (no splits)	257
Straight Democrat	101
Straight Republican (L. 100)	148
Straight Prohibition	5
Straight Labor	3
Split tickets	0

Names of inspectors: Moses Dapy, Chas. C. Boyd, Barclay S. Marsh.

**MEMORANDA OF STATEMENT OF CANVASS IN THE EIGHTH ELECTION DISTRICT
OF THE TOWN OF DEER PARK.**

Governor (total).....	394
Flower	148
Fassett	227
Bruce	15
De Leon	4
Senator (total)....	394
Lamont.....	150
Richardson	226
Seely.....	15
Blank	3

Republican plurality 76.

Justice of Sessions (total).....	394
Stevens.....	147
Bull.....	223
Talbott	15
Blank	9

Memoranda of ballots attached (no splits).....	317
Straight Democrat.....	121
Straight Republican (77 short).....	180
Straight Prohibition	12
Straight Labor	4
Split tickets	0

Names of inspectors: S. A. J. Conkling, Thaddeus Mead, W. S. Bevins.

**MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE TOWN OF GOSHEN.**

Governor (total).....	168
Flower	88
Fassett	77
Bruce	20
DeLeon	0
Blank	1

Senator (total)	168
Lamont	72
Richardson	92
Seeley	2
Blank	2

Republican plurality 20.

Justice of Sessions (total)	168
Stevens	85
Bull	79
Talbott	2
Blank	2

Memoranda of ballots attached (22 short)	146
Straight Democrat	51
Straight Republican	61
Straight Prohibition	2
Straight Labor	0
Split tickets	32

Names of inspectors: Theodore Shuit, S. L. Kniffin, Jas. Scott, Jr.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE TOWN OF GOSHEN.

Governor (total)	221
Flower	109
Fassett	107
Bruce	5
DeLeon	0

Senator (total)	221
Lamont	87
Richardson	128
Seely	5
Blank	1

Republican plurality, 41.

Justice of Session (total)	221
Stevens	106
Bull	104
Talbott	5
Blank	6

	Governor.	Senator.
Memoranda of ballots attached (no splits).....	221	220
Straight Democrat (no ballots).....	109	87
Straight Republican (not shown).....	107	128
Straight Prohibition.....	5	5
Straight Labor.....	0	0
Split tickets.....	0	0

Names of inspectors: James H. Coleman, E. P. Redfield, F. J. Hawkins.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE TOWN OF GOSHEN.

Governor (total).....	175
Flower.....	73
Fassett.....	99
Bruce.....	3
DeLeon.....	0

Senator (total).....	175
Lamont.....	58
Richardson.....	114
Seely.....	2
Blank.....	1

R. plurality 56.

Justice of Sessions (total).....	175
Stevens.....	69
Bull.....	96
Talbott.....	3
Blank.....	7

Memoranda of ballots attached (no splits).....	98
Straight Democrat (77 short).....	49
Straight Republican (ballots trimmed).....	46
Straight Prohibition.....	3
Straight Labor.....	0
Split tickets.....	0

Names of inspectors: George Hillills, H. Clark Norton, Frank B. Hock.

Remarks.

Attached ballots are trimmed.

Statement (November 12) by inspectors that they are unable to attach 77 split tickets because they had been "burned according to law."

MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT
OF THE TOWN OF GOSHEN.

Governor (total).....	209
Flower	95
Fassett	106
Bruce	5
DeLeon	3
Senator (total)	209
Lamont.....	91
Richardson	110
Seely	5
Blank	3
R. plurality 19.	
Justice of Sessions (total)	209
Stevens	98
Bull	100
Talbott	5
Blank	6
Memoranda of ballots attached (none)	209
Democrat (no ballots attached)	76
Republican	76
Prohibition	5
Labor	3
Split tickets.....	49

Names of inspectors : John H. Staats, Henry F. Kenny, John F. Crilly.

Remarks.

Statement of inspectors dated November 11, that number of ballots were as shown in margin above.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT,
OF THE — OF THE TOWN OF HIGHLANDS.

Governor (total).....	247
Flower	109
Fassett	127
Bruce	9
DeLeon	2

Senator (total)	245
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Lamont.....	106
Richardson	130
Seely	9
Blank	0

R. plurality 24.

Justice of Sessions (total)	246
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Stevens	109
Bull	128
Talbott,.....	9
Blank	0

Memoranda of ballots attached (1 or 12 over).....	248
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Straight Democrat	100
Straight Republican	92
Straight Prohibition	9
Straight Labor	2
Split tickets.....	45

Names of inspectors : Wm. E. Rose, J. Denna, Lawrence Gibney.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF HIGHLANDS.

Governor (total).....	196
Flower	79
Fassett	110
Bruce	3
DeLeon.....	4

Senator (total).....	192
Lamont.....	78
Richardson	111
Seely	3
Blank	0

R. plurality 33.

Justice of Sessions (total)	192
Stevens.....	79
Bull.....	110
Talbott	3
Blank	0

Memoranda of ballots attached.....	196
Straight Democrat	71
Straight Republican	103
Straight Prohibition	3
Straight Labor	4
Split tickets.....	15

Names of inspectors: J. O. Drew, H. F. Bock, Henry Marvins.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE TOWN OF HIGHLANDS.

Governor (total).....	179
Flower	84
Fassett	89
Bruce	3
DeLeon.....	3

Senator (total).....	177
Lamont.....	84
Richardson	90
Seely	3
Blank	0

R. plurality 6.

Justice of Sessions (total).....	178
Stevens.....	85
Bull.....	90
Talbott.....	3
Blank.....	0
Memoranda of ballots attached (1 over).....	180
Straight Democrat.....	81
Straight Republican.....	79
Straight Prohibition.....	3
Straight Labor.....	2
Split tickets.....	15

Names of inspectors: Geo. A. Harris, Chas. Curtis, Jim Manley.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
IN THE FIRST WARD OF THE CITY OF MIDDLETOWN.

Governor (total).....	184
Flower.....	85
Fassett.....	93
Bruce.....	5
DeLeon.....	1
Senator (total).....	184
Lamont.....	81
Richardson.....	97
Seely.....	4
Blank.....	2

R. plurality 16.

Justice of Sessions (total)...	184
Stevens.....	84
Bull.....	91
Talbott.....	5
Blank.....	4

	Governor.	Senator.
Memoranda of ballots attached (no splits; one short) . .		183
Straight Democrat	85	81
Straight Republican	93	97
Straight Prohibition	5	4
Straight Labor	0	1
Blank	0	1

Number ballots not shown.

Names of inspectors: John A. Wallace, Oliver G. Hulse, C. C. V. Ketcham.

Remarks.

Number of ballots of each kind is indicated opposite name of each candidate.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE FIRST WARD OF THE CITY OF MIDDLETOWN.

Governor (total)	266
Flower	162
Fassett	88
Bruce	13
DeLeon	2
Blank (Lamont)	1
Senator (total)	266
Lamont	134
Richardson	118
Seely	12
Blank	2

L. plurality 16.

Justice of Sessions (total)	266
Stevens	131
Bull	92
Talbott	12
Blank	31
Memoranda of ballots attached (no splits)	266

Straight Democrat (L. 134)	162
Straight Republican	88
Straight Prohibition	13
Straight Labor	2
Blank	1
Split tickets	0

Names of inspectors: Danl. B. Sweeny, J. Holman, A. E. McIntyre.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE SECOND WARD OF THE CITY OF MIDDLETOWN.

Governor (total)	207
Flower	59
Fassett	123
Bruce	25
DeLeon	0

Senator (total)	207
Lamont	57
Richardson	125
Seely	24
Blank	1

R. plurality 68.

Justice of Sessions (total)	207
Stevens	60
Bull	116
Talbott	28
Blank	3

Memoranda of ballots attached (no splits)	207
Straight Democrat (L. 57)	59
Straight Republican	123
Straight Prohibition	25
Labor	0
Split tickets	0

Names of inspectors: C. B. Hulse, J. M. H. Little, J. S. Towner.

**MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE SECOND WARD OF THE CITY OF MIDDLETOWN.**

Governor (total).....	327
Flower	137
Fassett	169
Bruce	19
DeLeon	2

Senator (total)	327
Lamont	130
Richardson.....	174
Seely	19
Blank	4

R. plurality 44.

Justice of Sessions (total).....	327
Stevens.....	135
Bull.....	168
Talbott	21
Blank	3

Memoranda of ballots attached (no splits).....	327
Straight Democrat (L. 130)	137
Straight Republican	169
Straight Prohibition	19
Straight Labor	2
Split tickets.....	0

Names of inspectors: R. D. Mapes, Chas. E. Puff, L. G. Wilson.

**MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE THIRD WARD OF THE CITY OF MIDDLETOWN.**

Governor (total)	162
Flower	58
Fassett	94
Bruce	9
DeLeon.....	1

Senator (total).....	162
Lamont.....	61
Richardson.....	93
Seely.....	8
Blank.....	0

R. plurality 32.

Justice of Sessions (total).....	162
Stevens.....	60
Bull.....	93
Talbott.....	9
Blank.....	0

Memoranda of ballots attached (28 short).....	134
Straight Democrat (only 2 splits).....	49
Straight Republican.....	76
Straight Prohibition.....	7
Straight Labor.....	0
Split tickets.....	2

Names of inspectors: E. B. Quick, G. H. Swalin, H. B. Dill.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE FOURTH WARD OF THE CITY OF MIDDLETOWN.

Governor (total).....	288
Flower.....	123
Fassett.....	142
Bruce.....	16
DeLeon.....	6
Blank.....	1

Senator (total).....	288
Lamont.....	120
Richardson.....	144
Seely.....	17
Blank.....	7

R. plurality 24.

Justice of Sessions (total)	288
Stevens	124
Bull	135
Talbott	18
Blank	11

Memoranda of ballots attached (no splits; 64 short)	224
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Straight Democrat	95
Straight Republican	107
Straight Prohibition	16
Straight Labor	6
Split tickets	0

Names of inspectors: James M. Price, Jonathan L. Suizy, Thomas A. March.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE FOURTH WARD OF THE CITY OF MIDDLETOWN.

Governor (total)	247
Flower	119
Fassett	121
Bruce	6
DeLeon	1

Senator (total)	247
Lamont	113
Richardson	126
Seely	6
Blank	1
Brown	1

R. Plurality 13.

Justice of Sessions (total)	247
Stevens	118
Bull	119
Talbott	6
Blank	4

Memoranda of ballots attached (no splits)	195
Straight Democrat (52 short)	101
Straight Republican	94
Straight Prohibition (ballots trimmed)	0
Straight Labor	0
Split tickets	0

Names of inspectors: B. O. Wolf, Thomas L. Lane, Wesley Decker.

Remarks.

Attached ballots are trimmed. Statement by inspectors that they can not obtain Prohibition and Labor tickets to attach.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE FOURTH WARD OF THE CITY OF MIDDLETOWN.

Governor (total)	178
Flower	81
Fassett	81
Bruce	14
DeLeon	2

Senator (total)	174
Lamont	73
Richardson	87
Seeley	16
Blank	2

R. plurality 14.

Justice of Sessions (total)	178
Stevens	75
Bull	61
Talbott	16
Blank	26

Memoranda of ballots attached (no splits)	178
Straight Democratic (L. 73)	81
Straight Republican	81
Straight Prohibition	14
Straight Labor	2
Split ticket	0

Names of inspectors: A. Coddington, S. Albert Bull, George Storch.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF MONTGOMERY.

Governor (total)	239
Flower	109
Fassett	106
Bruce	22
DeLeon	2
Senator (total)	239
Lamont	106
Richardson	114
Seely	19
Blank	0
R. plurality 8.	
Justice of Sessions (total)	236
Stevens	108
Bull	106
Talbott	22
Blank	0
Memoranda of ballots attached	239
Straight Democratic (no splits)	109
Straight Republican	106
Straight Prohibition (S. Dem. 109)	22
Straight Labor (L. 106)	2
Split tickets	0

Names of inspectors: Henry J. Powell, Clark Stanley, Wm. Titus.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF MONTGOMERY.

Governor (total)	184
Flower	84
Fassett	88
Bruce	11
DeLeon	1

Senator (total).....	183
Lamont.....	81
Richardson.....	91
Seely.....	11
Blank.....	0

R. plurality 10.

Justice of Sessions (total).....	183
Stevens.....	86
Bull.....	86
Talbott.....	11
Blank.....	0

Memoranda of ballots attached (no splits).....	184
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Straight Democrat (L. 81).....	84
Straight Republican.....	88
Straight Prohibition.....	11
Straight Labor.....	1
Split tickets.....	0

Names of inspectors: Chas. Tice, W. S. Hunter, Chas. J. Kidd.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE——OF THE TOWN OF MONTGOMERY.

Governor (total).....	395
Flower.....	132
Fassett.....	234
Bruce.....	22
DeLeon.....	5
Blank.....	2

Senator (total).....	395
Lamont.....	126
Richardson.....	246
Seely.....	19
Blank.....	4

R. plurality 120.

Justice of Sessions (total)	395
Stevens	131
Bull.	238
Talbott	21
Blank	5
Memoranda of ballots attached (ballots trimmed)	395
Straight Democrat	109
Straight Republican	228
Straight Prohibition	17
Straight Labor	3
Split tickets	38

Names of inspectors: Saml. McKee, Wm. T. Decker, Philip D. Crist.

Remarks.

Attached ballots are trimmed; 21 split Democrat; 5 split Prohibitionist; 2 split Socialist; 10 split Republican.

MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT
OF THE—OF THE TOWN OF MONTGOMERY.

Governor (total)	305
Flower	88
Fassett	200
Bruce	16
DeLeon	0
Blank	1
Senator (total)	305
Lamont	87
Richardson	201
Seely	16
Blank	1

R. plurality 114.

Justice of Sessions (total)	305
Stevens	88
Bull.	200
Talbott	16
Blank	1

Memoranda of ballots attached (no splits).....	266
Straight Democrat.....	72
Straight Republican (39 short).....	180
Straight Prohibition.....	14
Straight Labor.....	0
Split tickets.....	0

Names of inspectors: W. D. Sloan, Cyrus B. Farler, William C. Weller.

Remarks.

Statement by inspectors that there were 38 split ballots.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE—OF THE TOWN OF MT. HOPE.

Governor (total).....	247
Flower.....	93
Fassett.....	130
Bruce.....	2
DeLeon.....	2

Senator (total).....	247
Lamont.....	104
Richardson.....	140
Seely.....	3
Blank.....	0

R. plurality 36.

Justice of Sessions (total).....	247
Stevens.....	90
Bull.....	134
Talbott.....	3
Blank.....	0

Memoranda of ballots attached (no splits).....	195
Straight Democrat.....	71
Straight Republican (52 short).....	118
Straight Prohibition.....	4
Straight Labor (stubs attached).....	2
Split tickets.....	0

Names of inspectors: John Pierson, L. M. Writer, A. J. Crary.

Remarks.

Stubs are still on attached ballots.

**MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE FIRST WARD OF THE CITY OF NEWBURGH.**

Governor (total).....	243
Flower	116
Fassett	119
Bruce	6
DeLeon.....	1

Senator (total).....	243
Lamont.....	114
Richardson	122
Seely.....	6
Blank	1

R. plurality, 8.

Justice of Sessions (total).....	243
Stevens.....	116
Bull	120
Talbott	6
Blank	1

Memoranda of ballots attached (no splits).....	243
Straight Democrat.....	116
Straight Republican (L. 114)....	120
Straight Prohibition.....	6
Straight Labor.....	1
Split tickets.....	0

Names of inspectors: Jas. D. McGiffert, Jas. C. Smith, David J. Hydeman.

**MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT
OF THE FIRST WARD OF THE CITY OF NEWBURGH.**

Governor (total).....	307
Flower	103
Fassett	189
Bruce	10
DeLeon.....	5

Senator (total)	302
Lamont	95
Richardson	197
Seely	10
Blank	0

R. plurality, 102.

Justice of Sessions (total)	302
Stevens	101
Bull	190
Talbott	11
Blank	0

Memoranda of ballots attached (no splits)	239
Straight Democrat (sixty-eight short)	79
Straight Republican	148
Straight Prohibition	7
Straight Labor	5
Split tickets	0

Names of inspectors: Alanson H. Tapping, Robert J. Hill, John Lansberry.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIFTH ELECTION DISTRICT
OF THE FIRST WARD OF THE CITY OF NEWBURGH.

Governor (total)	232
Flower	76
Fassett	138
Bruce	15
DeLeon	3

Senator (total)	232
Lamont	81
Richardson	133
Seely	14
Blank	4

R. plurality 52.

Justice of Sessions (total)	232
Stevens	76
Bull	136
Talbott	14
Blank	6

No splits.

S. Republican, 138. Rn. 133.

Memoranda of ballots attached	232
Straight Democrat	76
Straight Republican	138
Straight Prohibition	15
Straight Labor	3
Split tickets	0

Names of inspectors: William B. White, E. Farrington, John J. McQueston.

MEMORANDA OF STATEMENT OF CANVASS IN THE SEVENTH ELECTION DISTRICT
OF THE FIRST WARD OF THE CITY OF NEWBURGH.

Governor (total)	246
Flower	54
Fassett	178
Bruce	8
DeLeon	16

Senator (total)	246
Lamont	55
Richardson	177
Seely	8
Blank (no splits)	6

R. plurality 122.

One short.

Justice of Sessions (total)	246
Stevens	55
Bull	177
Talbott	8
Blank	6

Memoranda of ballots attached	245
Straight Democrat.....	54
Straight Republican	177
Straight Prohibition	8
Straight Labor.....	6
Split tickets.....	0

Names of inspectors: Andrew W. Taggart, William H. Hallock, Frank B. Dickson.

Remarks.

Affidavit of Taggart and Hallock that they made corrections on ward blank in election district No. 7, on writing the whole number of votes on tickets and page of said district.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE SECOND WARD OF THE CITY OF NEWBURGH.

Governor (total).....	293
Flower	142
Fassett	144
Bruce	4
De Leon	3
Senator (total)	4
Lamont.....	141
Richardson	145
Seely	4
Blank	

R. plurality 4.

Justice of Sessions (total)	290
Stevens	140
Bull.....	146
Talbott.....	4
Blank (no splits).....	

Memoranda of Ballots attached (61 short).....	232
Straight Democrat.....	111
Straight Republican	114
Straight Prohibition	4
Straight Labor	3
Split tickets.....	

Names of inspectors: Willett A. Kidd, Wm. C. Elliott, Jno. T. Smith.

Remarks.

Affidavit of Kidd and Smith, November fourteen, that there were 232 straight and 61 split tickets.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE SECOND WARD OF THE CITY OF NEWBURGH.

Governor (total).....	277
Flower	126
Fassett	141
Bruce	8
De Leon.....	2

Senator (total).....	274
Lamont.....	123
Richardson	144
Seely.....	7
Blank	

R. plurality 21.

Justice of Sessions (total)	273
Stevens.....	124
Bull.....	142
Talbott	7
Blank	

Memoranda of ballots attached (no splits).....	278
Straight Democrat (1 over)	126
Straight Republican (L. 123)	142
Straight Prohibition	8
Straight Labor	2
Split tickets.....	None.

Names of Inspectors: Jos. Martine, A. S. Weaver, Chas. O. Barrett.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT OF
THE SECOND WARD OF THE CITY OF NEWBURGH.

Governor (total).....	260
Flower	108
Fassett	145
Bruce	3
DeLeon	4

Senator (total)	257
Lamont	104
Richardson	150
Seely	3
Blank	0

R. plurality 46.

Justice of Sessions (total)	257
Stevens	105
Bull	148
Talbott	4
Blank	

Memoranda of ballots attached (no splits)	260
Straight Democratic	108
Straight Republican (L., 104)	145
Straight Prohibition	3
Straight Labor	4
Split tickets	0

Names of inspectors: Hiram Lozier, Isaac B. Lozier, James E. Brady.

MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT
OF THE SECOND WARD OF THE CITY OF NEWBURGH.

Governor (total)	334
Flower	132
Fassett	187
Bruce	14
DeLeon	0
Blank	1

Senator (total)	334
Lamont	127
Richardson	190
Seely	14
Blank	3

R. plurality 63.

Justices of Sessions (total)	334
Stevens	132
Bull	187
Talbott	14
Blank	1

Memoranda of ballots attached (no splits)	354
Straight Democratic (20)	143
Straight Republican (L., 127)	197
Straight Prohibition	14
Straight Labor	0
Split tickets	0

Names of inspector: Ingham Stuble, George Buchann, James S. Beahan.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE THIRD WARD OF THE CITY OF NEWBURGH.

Governor (total)	198
Flower	78
Fassett	110
Bruce	10
DeLeon	0

Senator (total)	198
Lamont	78
Richardson	109
Seely	10
Blank	1

R. plurality, 31.

Justice of Sessions (total, no splits)	198
Stevens	79
Bull (forty-nine short)	109
Talbott	10
Blank	0

Memoranda of ballots attached.	149
Straight Democrat.	54
Straight Republican.	89
Straight Prohibition.	6
Straight Labor.	0
Split tickets.	0

Names of inspectors: Wm. N. Beggs, Jos. A. MacDonald, Thos. Harrington.

Remarks.

Affidavit by inspectors that 49 split ballots having been destroyed can not be attached.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE THIRD WARD OF THE CITY OF NEWBURGH.

Governor (total).....	251
Flower.	81
Fassett.	161
Bruce.	8
DeLeon.	1
Blank.	1

Senator (total).....	251
Lamont.	79
Richardson.	162
eeely.	8
Blank.	2

R. plurality, 83.

Justice of Sessions (total).....	251
Stevens.	81
Bull.	160
Talbott.	8
Blank.	2

No splits; 72 short.

Memoranda of ballots attached.....	179
Straight Democratic	45
Straight Republican	129
Straight Prohibition	5
Straight Labor	0
Split tickets.....	0

Names of inspectors: A. S. Wood, H. W. Waring, John H. Chapman.

Remarks.

Witnesses: Geo. S. Henmore; John H. Chapman; Jas. Belknap.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE FOURTH WARD OF THE CITY OF NEWBURGH.

Governor (total).....	241
Flower	110
Fassett	123
Bruce	4
DeLeon	3
Blank	1
Senator (total).....	241
Lamont.....	109
Richardson	124
Seely	2
Blank	6

R. plurality 15.

Justice of Sessions (total).....	241
Stevens.....	109
Bull	125
Talbott.....	4
Blank	3

No splits. Statement by inspectors that there were 51 splits.

Momoranda of ballots attached.....	241
Straight Democratic	111
Straight Republican	123

Straight Prohibition	4
Straight Labor (S. Democratic, 111)	3
Split tickets (L., 109)	0

Names of inspectors: Alex. A. Darragh, Jas. J. Fogarty, Jacob Lewis.

Remarks.

Statement of inspectors that there were 51 split ballots.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE FOURTH WARD OF THE CITY OF NEWBURGH.

Governor (total)	241
Flower	134
Fassett	103
Bruce	2
DeLeon	2
Senator (total)	241
Lamont	112
Richardson	122
Seely	2
Blank	5

R. plurality 10.

Justice of Sessions (total)	241
Stevens	131
Bull (no splits)	106
Talbott (49 short)	2
Blank	2

Statement by inspectors.

Memoranda of ballots attached	192
Straight Democratic	92
Straight Republican	96
Straight Prohibition	2
Straight Labor	2
Split tickets	0

Names of inspectors: Jas. W. Bradley, Chas. A. Beekman, Robt. W. Hewitt.

Remarks.

Statement by inspectors that there were 49 split ballots.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT OF
THE FOURTH WARD OF THE CITY OF NEWBURGH.

Governor (total).....	251
Flower	118
Fassett	126
Bruce	7
Senator (total).....	251
Lamont	110
Richardson	133
Seely	7
Blank	1

R. plurality 23.

Justice of Sessions (total, no splits, 1 over).....	251
Stevens	116
Bull	126
Talbott	7
Blank	2
S. D.	118
L.	110

Memoranda of ballots attached.....	252
Straight Democrat.....	118
Straight Republican	126
Prohibition.....	7
Labor	...
Defective (error)	1
Split tickets.....	...

Names of inspectors: Geo. O. Gardner, Fred. Kernahan, Wm. H. Peake.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT OF
THE — OF THE TOWN OF NEWBURGH.

Governor (total).....	199
Flower	79
Fassett	107
Bruce	11
De Leon	2

Senator (total).....	197
Lamont.....	74
Richardson	113
Seeley	10
Blank	

R. plurality 39.

Justice of Sessions (total).....	198
Stevens.....	78
Bull	108
Talbott	12
Blank	

Memoranda of ballots attached (no splits, S. D. 79; L. 74)...	199
Straight Democrat	79
Straight Republican	107
Prohibition.....	11
Labor	2
Split tickets.....	

Names of inspectors: P. W. Howell, Isaac C. Cuyler, Alex. Beattès.

MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT
OF THE — OF THE TOWN OF NEWBURGH.

Governor (total)	168
Flower	74
Fassett	88
Bruce	4
DeLeon.....	2

Senator (total).....	168
Lamont.....	73
Richardson.....	89
Seely	4
Blank	2

R. plurality 16.

Justice of sessions (total)	168
Stevens	74
Bull	88
Talbott	4
Blank	2

Memoranda of ballots attached (no splits; S. D. 74 ; L. 73).	168
Straight Democrat	74
Straight Republican	88
Straight Prohibition	4
Straight Labor	2
Split ticket	0

Names of inspectors: Wallace Lozier, Michael Benson, Frederick Decker.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF NEWBURGH.

Governor (total)	167
Flower	68
Fassett	77
Bruce	22
DeLeon	0

Senator (total)	167
Lamont	69
Richardson	76
Blank	0

R. plurality 7.

Justice of sessions, (total)	167
Stevens	68
Bull	77
Talbott	22
Blank	0

Memoranda of ballots attached (no splits; S. R. 77; Rn. 76) ..	167
Straight Democratic	68
Straight Republican	77
Straight Prohibition	22
Straight Labor	0
Split tickets	0

Names of inspectors: Elias P. Griffin, Frank S. Griffin, Lewis W. Miller.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF NEW WINDSOR.

Governor (total)	163
Flower	74
Fassett	87
Bruce	1
DeLeon	0
Blank	1
Senator (total)	163
Lamont	74
Richardson	86
Seely	1
Blank	2

R. plurality 12.

Justice of Sessions (total)	163
Stevens (only 1 split)	74
Bull (1 short)	88
Talbott	1

Alex.; S. Rep. 87; Rn. 86.

Memoranda of ballots attached, blank (split is Pro.)	162
Straight Democratic	74
Straight Republican	87

Straight Prohibition	
Straight Labor	
Split tickets.....	

Names of inspectors: David W. Halsted, Jno. McGregor, Jas. V Flynn.

Remarks.

The split is a Prob., Alexander.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE ——— OF THE TOWN OF TUXEDO.

Governor (total).....	27
Flower	11
Fassett	16
Bruce	
DeLeon	

Senator (total).....	27
Lamont.....	11
Richardson.....	16
Seely.....	
Blank	

R. plurality 42.

Justice of Sessions (total)	27
Stevens	10
Bull.....	16
Talbott.....	
Blank	

Memoranda of ballots attached; no splits; ballots trimmed; two over; figures changed; S. Rep. 162; Rn. 157.....	27
Straight Democratic	11
Straight Republican	16
Straight Prohibition	16
Straight Labor	
Split tickets.....	

Names of inspectors: Peter W. Belcher, Jno. Marum, Mahlon Brooks.

Remarks.

Attached ballots are trimmed.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT OF
THE — OF THE TOWN OF WALLKILL.

Governor (total).....	213
Flower.....	97
Fassett.....	109
Bruce.....	3
DeLeon.....	3

Senator (total).....	207
Lamont.....	98
Richardson.....	106
Seely.....	3
Blank.....	0

R. plurality 8.

Justice of Sessions (total).....	212
Stevens.....	99
Bull.....	107
Talbot.....	6
Blank.....	0

Memoranda of ballots attached; no splits; S. Rep. 109; Rn. 106,	213
Straight Democratic.....	97
Straight Republican.....	109
Straight Prohibition.....	4
Straight Labor.....	3
Split tickets.....	0

Names of inspectors: Henry W. Dunning, J. C. Wilber, W. N. White.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT OF
THE — OF THE TOWN OF WALLKILL.

Governor (total).....	150
Flower.....	52
Fassett.....	94
Bruce.....	3
DeLeon.....	1

Senator (total)	150
Lamont	50
Richardson	94
Seely	3
Blank	3

R. plurality 44.

Justice of Sessions (total)	150
Stevens	51
Bull	95
Talbott	3
Blank	1
No splits	

Memoranda of ballots attached; no splits; S. Dem. 52; L. 50,	150
Straight Democratic	52
Straight Republican (Lamont fifty)	94
Straight Prohibition	3
Straight Labor	1
Split tickets	0

Names of inspectors: Wm. H. Winfield, Emmett L. Bull, Geo. F. Hunter.

Remarks.

Number of district omitted in heading.

MEMORANDA OF STATEMENT OF CANVASS IN THE PROBABLY FOURTH ELECTION
DISTRICT OF THE — OF THE TOWN OF WARWICK.

Governor (total)	311
Flower	145
Fassett	161
Bruce	5
DeLeon	0
Senator (total)	307
Lamont	150
Richardson	152
Seely	5
Blank	

R. plurality 2.

Justice of Sessions (total).....	311
Stevens.....	146
Bull.....	160
Talbot.....	5
Blank.....	0

Memoranda of ballots attached (district not stated).....	311
Straight Democrat.....	137
Straight Republican.....	126
Straight Prohibition.....	5
Straight Labor.....	0
Split tickets.....	43

Names of inspectors, Jno. D. Smith, S. E. Holby, Geo. P. Wood.

Remarks.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT OF
THE — OF THE TOWN OF WARWICK.

Governor (total).....	338
Flower.....	160
Fassett.....	166
Bruce.....	8
DeLeon.....	4

Senator (total).....	333
Lamont..	161
Richardson.....	8
Blank.....	0

R. plurality 3.

Justice of Session (total).....	334
Stevens.....	162
Bull.....	164
Talbott.....	8
Blank.....	0

Memoranda of ballots attached (one short)	337
Straight Democrat	146
Straight Republican	139
Straight Prohibition	8
Straight Labor	3
Split tickets	41

Names of inspector: Ira D. Smith, Frank T. Wildrick, H. K. Wood,

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE TOWN OF WOODBURY.

Governor (total)	356
Flower	99
Fassett	240
Bruce	15
DeLeon	2
Senator (total)	350
Lamont	121
Richardson	216
Seely	11
Blank	2

R. plurality 95.

C. F. LaMont

Justice of Sessions (total)	354
Stevens (no ballots attached)	98
Bull	239
Talbott	17
Blank	0

Memoranda of ballots attached. No ballots attached.

Straight Democrat	0
Straight Republican	0
Straight Prohibition	0
Straight Labor	0
Split tickets	0

Names of inspectors: Millard F. Earl, Isaiah Hunter, Wm. B. Barclay.

Remarks.

Affidavit of inspectors, November twelfth, that ballots can not be attached because they were destroyed; but that statement is correct.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE ——— TOWN OF BETHEL.

Governor (total)	201
Flower	79
Fassett	112
Bruce	2
DeLeon	8
Senator (total)	193
Lamont	81
Richardson	110
Seely	2
Blank	0

R. plurality 29.

Justice of Sessions (total)	191
Stevens	79
Bull-Barringer (only 5 splits)	112
Talbott-Ingraham	0
Blank	0

Memoranda of ballots attached (only 5 splits; 6 short; S. D.

76; L. 81; S. R. 104; R. 110)	195
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Straight Democrat	76
Straight Republican	104
Straight Prohibition	2
Straight Labor	8
Split tickets	5

Names of inspectors: James H. Colwell, Wm. Smith, J. J. Bradley.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE ——— OF THE TOWN OF BETHEL.

Governor (total)	214
Flower	82
Fassett	120
Bruce	8
DeLeon	4

Senator (total)	212
Lamont	83
Richardson	122
Seeley	7
Blank	0

R. plurality 39.

Justice of Sessions (total)	205
Stevens	83
Bull	122
Talbott	
Blank	

Memoranda of ballots attached (3 over; 5 inspectors)	217
Straight Democratic	75
Straight Republican	108
Straight Prohibition	7
Straight Labor	3
Split tickets	24

Names of inspectors: Geo. Anderson, W. H. Carley, Henry Goldsmith, Seth Olmstead, C. E. DeKay.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF FALLSBURGH.

Governor (total)	321
Flower	155
Fassett	153
Bruce	10
DeLeon	3

Senator (total)	317
Lamont	151
Richardson	156
Seely	10
Blank	0

R. plurality 5.

Justice of Sessions (total).....	305
Stevens	151
Bull	154
Talbott	
Blank	

Memoranda of ballots attached (no splits; 44 short; S. D. 131; L. 151; S. R. 132; R. 156).....	277
Straight Democrat.....	131
Straight Republican	132
Straight Prohibition	10
Straight Labor	3
Split tickets.....	0
Rejected	1

Names of inspectors: Chauncey N. Avery, O. E. Leroy, W. H. Turner.

Remarks.

1 marked ballot attached as voided, with a note by inspectors.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF LIBERTY.

Governor (total).....	229
Flower	79
Fassett	138
Bruce	9
DeLeon.	2
Blank	1

Senator (total).....	229
Lamont.	79
Richardson	139
Seely.....	9
Blank	2

R. plurality, 60.

Justice of Sessions (total).....	229
Stevens.....	77
Bull.....	138
Talbott	14
Blank	0

Memoranda of ballots attached (no splits; S. D. 80; L. 79)...	229
Straight Democrat.....	80
Straight Republican.....	138
Straight Prohibition.....	9
Straight Labor.....	2
Split tickets.....	0

Names of inspectors: Irving T. Morter, J. M. Hill, D. S. Hill.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF LIBERTY.

Governor (total).....	181
Flower.....	70
Fassett.....	96
Bruce.....	10
DeLeon.....	5

Senator (total).....	174
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Lamont.....	70
Richardson.....	93
Seeley.....	11
Blank.....	0

R. plurality, 23.

Justice of Sessions (total).....	165
Stevens.....	70
Bull.....	95
Talbott.....	0
Blank.....	0

Memoranda of ballots attached (no splits; L. 70; R. 93) ...	181
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Straight Democrat.....	71
Straight Republican.....	90
Straight Prohibition.....	14
Straight Labor.....	6
Split tickets.....	0

Names of inspectors: J. B. Carrier, Joel Crispell, J. B. Nichols.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE — OF THE TOWN OF LIBERTY.

Governor (total).....	149
Flower	53
Fassett	79
Bruce	16
DeLeon	1

Senator (total).....	148
Lamont	50
Richardson	81
Seely	17
Blank	

R. plurality, 31.

Justice of Sessions (total)	128
Stevens	52
Bull	76
Talbott	
Blank	

	Governor.	Senator.
Memoranda of ballots attached (number of ballots not shown).....	49	148
Straight Democratic.....	53	50
Straight Republican.....	79	81
Straight Prohibition.....	16	17
Straight Labor.....	1	0
Split tickets.....		0

Names of Inspectors: Jas. H. Durne, Cyrus Gray, Jr., D. E. Stewart.

Remarks.

MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT
OF THE — TOWN OF LIBERTY.

Governor (total).....	154
Flower	65
Fassett	78
Bruce	5
DeLeon	6

Senator (total)	149
Lamont	54
Richardson	89
Seely	6
Blank	0

R. plurality, 35.

Justice of Sessions (total)	142
Stevens	64
Bull	78
Talbott	
Blank	

	Governor.	Senator.
Memoranda of ballots attached; number of ballots not shown; stubs attached	154	
Straight Democrat	65	54
Straight Republican	78	89
Straight Prohibition	5	6
Straight Labor	6	0
Split tickets	0	0

Names of inspectors: Seth Ennis, Melvin L. Joyner, Wakeman F. Barton.

Remarks.

Attached ballots still have the stubs on them.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE — OF THE TOWN OF ROCKLAND.

Governor (total)	146
Flower	60
Fassett	81
Bruce	3
DeLeon	2
Senator (total)	144
Lamont	59
Richardson	82
Seely	3
Blank	0

R. plurality, 23.

Justice of Sessions (total)	141
Stevens	59
Bull	82
Talbott	0
Blank	0

Memoranda of ballots attached (colored ballots attached)...	146
Straight Democrat	60
Straight Republican	81
Straight Prohibition	3
Straight Labor	2
Split tickets	0

Names of inspectors: Samuel Lord, Ira Martin, Peter Millsbaugh.

Remarks.

Attached ballots are yellow or brown.

MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT
OF THE — OF THE TOWN OF ROCKLAND.

Governor (total)	78
Flower	33
Fassett	38
DeLeon	2
Bruce	5

Senator (total)	76
Lamont	32
Richardson	40
Seely	4
Blank	0

R. plurality, 8.

Justice of Sessions (total)	72
Stevens	34
Bull	38
Talbott	0
Blank	0

	Governor.	Senator.
Memoranda of ballots attached; colored ballots; number of ballots not shown.....	78 V.	76
Straight Democrat.....	33	32
Straight Republican	38	40
Straight Prohibition	5	4
Straight Labor	2	0
Split tickets.....	0	0

Names of inspectors: J. W. Van Steinbergh, George Preston, Edgar Commer.

Remarks.

Ballots attached are yellow or brown.

Number of ballots indicated opposite name of each candidate.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT OF
THE ——— OF THE TOWN OF MAMAKATING.

Governor (total)	247
Flower	94
Fassett.....	144
Bruce	5
De Leon.....	4
Senator (total).....	247
Lamont.....	97
Richardson.....	140
Seeley	4
Blank.....	6

R. plurality, 43.

Justice of Sessions (total).....	247
Stevens	92
Bull	145
Talbott.....	10
Blank	0

Memoranda of ballots attached (no splits, L. 97; R. 140)....	247
Straight Democrat.....	94
Straight Republican	144

Straight Prohibition.....	5
Straight Labor.....	4
Split tickets.....	

Names of inspectors: William Hornbeck, W. H. Decker, Charles Hullstand.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT OF
THE — OF THE TOWN OF MAMAKATING.

Governor (total).....	243
Flower	75
Fassett.....	150
Bruce.....	11
De Leon	7

Senator (total)	236
Lamont.....	76
Richardson	148
Seeley	12
Blank.....	

R. plurality, 72.

Justice of Sessions (total).....	224
Stevens	75
Bull	149
Talbott.....	
Blank	

Memoranda of ballots attached (no splits S. D. 75; L. 76;
S. R. 150; Rn. 148; ballots trimmed.) 243

Straight Democratic	75
Straight Republican	150
Straight Prohibition.....	11
Straight Labor	7
Split tickets.....	

Names of inspectors: A. B. Page, Patrick McNamee, Jos. McCauley.

Remarks.

Attached ballots are trimmed.

MEMORANDA OF STATEMENT OF 'CANVASS IN THE THIRD ELECTION DISTRICT
OF THE — OF THE TOWN OF MAMAKATING.

Governor (total).....	172
Flower	67
Fassett	101
Bruce	0
De Leon.....	0

Senator (total).....	170
Lamont.....	68
Richardson	101
Seely	2
Blank	0

R. plurality 33.

Justice of Sessions (total).....	172
Stevens.	68
Bull.	101
Talbott.....	0
Blank	0

No splits; two short; number not shown; Democratic and Republican not attached.

Prohibition and labor trimmed.

Memoranda of ballots attached:

	Governor. 170	Senator. 168
Straight Democrat.....	67	68
Straight Republican	101	100
Straight Prohibition	2	0
Straight Labor	0	0
Split tickets.....	0	0

Names of inspectors: Jno. W. Bell, H. O. Kuykendall, Ferris St. John.

Remarks.

Number of ballots indicated opposite name of each candidate; no official Democratic or Republican ballot attached; Prohibition and Labor ballots attached are trimmed.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF NEVERSINK.

Governor (total).....	260
Flower	121
Fassett	127
Bruce	10
De Leon.....	2

Senator (total)	259
Lamont.....	119
Richardson	130
Seely.	10
Blank	0

R. plurality 11.

Justice of Sessions (total).....	246
Stevens.....	122
Bull.....	124
Talbott	0
Blank	0

Memoranda of ballots attached no splits; Flower 121, L. 119,
Fassett 127; R. 130; number of ballots not shown; five
inspectors.

	Governor.	Senator.
	260	
Straight Democrat.....	121	119
Straight Republican	127	130
Straight Prohibition	10	10
Straight Labor	2	0
Split tickets.....	0	0

Names of inspectors: Jno. R. Stanton, W. V. Denmar, C. B. Vantram,
O. E. Donaldson, Thos. J. Mullenix.

Remarks.

No ballots indicated opposite each candidate.

MEMORANDUM OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF THOMPSON.

Governor (total).....	200
Flower	87
Fassett	105
Bruce	6
DeLeon	2

Senator (total).....	198
Lamont.....	87
Richardson	105
Seely.....	6
Blank	0

R. plurality 18.

Justice of Sessions (total).....	189
Stevens.....	87
Bull.....	105
Talbott	0
Blank	0

Memoranda of ballots attached (ballots trimmed),.....	200
Straight Democrat.....	87
Straight Republican.....	105
Straight Prohibition	6
Straight Labor.....	2
Split tickets.....	0

Names of inspectors: Thomas Neil; Frank E. Geraghty; Henry A. St. John.

Remarks.

Attached ballots are trimmed.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF THOMPSON.

Governor	182
Flower	75
Fassett	97
Bruce	6
DeLeon	4

Senator (total)	178
Lamont	76
Richardson	96
Seely	6
Blank	0

R. plurality 20.

Justice of Sessions (total)	173
Stevens-Ingraham	97
Bull-Barrenger	76
Talbott	0
Blank	0

Memoranda of ballots attached; two over; number of ballots not shown; ballots trimmed.

	Governor.	Senator.
	184	
Straight Democrat	75	76
Straight Republican	97	96
Straight Prohibition	6	6
Straight Labor	4	0
Split tickets	2	0

Names of inspectors: Herberet E. Barnum, Martin H. Day, Austin A. Race.

Remarks.

Attached ballots are trimmed.

Number of ballots indicated after name of each candidate.

Six tickets attached.

L., Flower; R., Fassett, from the two splits.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE — OF THE TOWN OF THOMPSON.

Governor (total)	94
Flower	36
Fassett	54
Bruce	5
De Leon	1

Senator (total).....	95
Lamont.....	26
Richardson	54
Seely.....	5
Blank	

R. plurality, 18.

Justice of Sessions (total).....	90
Stevens.....	36
Bull.....	54
Talbott.....	
Blank... ..	

Memoranda of ballots attached: two over; colored ballots....	96
Straight Democrat.....	24
Straight Republican	46
Straight Prohibition	3
Straight Labor	0
Split tickets.....	23

Names of Inspectors: Isaac A. Weller, Chas. O. Robinson, Chas. G. Stedder.

Remarks.

Attached ballots are yellow or brown.

MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT
OF THE — OF THE TOWN OF THOMPSON.

Governor (total).....	306
Flower	135
Fassett	164
Bruce	2
De Leon.....	2
Senator (total).....	304
Lamont.....	133
Richardson	166
Seely	2
Blank	

R. plurality, 33.

Justice of Sessions (total).....	302
Stevens-Berringer	135
Bull-Ingraham	164
Talbott	
Blank	

Memoranda of ballots attached: Two short; number of ballots not shown.

	Governor. 304	Senator.
Straight Democrat.....	135	133
Straight Republican	164	166
Straight Prohibition	2	2
Straight Labor	2	1 R.
Split tickets.....	1	

Names of inspectors: C. S. Starr, Wm. Coddington, J. W. Decker.

Remarks.

Two ballots attached bearing memoranda of inspectors that they were folded and voted together.

Number of ballots indicated opposite each candidate.

Mr. GARDNER.—I will call one witness.

ABRAHAM L. DECKER, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You were elected coroner in Orange county at last fall election?

A. I was.

Q. On the Republican ticket? A. Yes, sir.

Q. Live in Middletown? A. Yes, sir.

Q. You knew at that time of the existence of what was called the Independent German Club? A. Yes, sir.

Q. Do you contribute anything to that club for the support of yourself on the Republican ticket? A. No, sir.

Q. Did you contribute anything whatsoever? A. No, sir.

Q. Did you give them anything to support you on your ticket?

A. I did not.

Q. Did you give them any beer or anything else as a club? A. I didn't do it to buy votes with.

Q. What did you do?

Mr. COUNTRYMAN.— We object to it.

Chairman ROESCH.— If you will connect this with the case before the committee we will admit it.

Q. Did you give the club any beer?

Mr. HIRSCHBERG.— I object.

Chairman ROESCH.— Objection sustained.

Q. Did the club vote the Republican ticket as a body?

Mr. HIRSCHBERG.— I object to that.

The WITNESS.— Not altogether; no, sir.

Q. Did you contribute or give them anything to support the Republican ticket; if so, what was it? A. I did not give them anything.

Q. You gave them some beer, didn't you?

Mr. COUNTRYMAN.— I object to that.

The WITNESS.— There was a keg of beer bought by me, but there was no object of buying votes or anything of that kind.

Q. What is the political price for beer? A. I don't know.

Q. Did you have any conversation with the president of the club during election? A. No, sir.

Q. Before election or afterwards? A. No, sir.

Q. Or the secretary? A. No, sir.

Q. Or the treasurer? A. No, sir.

Q. Did you pay for this beer yourself? A. I did.

Q. All your own funds? A. I guess it was; yes, sir.

Q. Are you sure? A. I am.

Q. Do you know of Mr. Richardson having contributed anything for the campaign fund in the city of Middletown? A. I never heard of his doing so.

Q. Did you contribute, as a candidate, anything to the committee?

Mr. HIRSCHBERG.— We object to that.

Chairman ROESCH.— Objection sustained.

By Mr. O'NEIL:

Q. When did you buy the beer? A. Two or three weeks before election.

Q. The members of this club you are acquainted with? A. Yes, sir.

Q. What is your business? A. Druggist.

Q. You were running for coroner last fall? A. Yes, sir.

Mr. GARDNER.— We rest.

Mr. HIRSCHBERG.— I would like the committee to give us some reasonable time to go over the testimony and determine what witnesses we will require, and subpoena them.

Chairman ROESCH.—I think in a contested election case, stretching over a length of time, counsel can easily determine what points they desire to answer. The subpoenas were delivered in Newburgh Wednesday.

Mr. O'NEIL.—Not knowing now what we must meet in the returns, one thing must be considered by the commission, that the senatorial district covers a large area of territory. They may charge irregularities in the northwestern part of Sullivan, which is a great many miles from Newburgh, and we do not know what this investigation may lead to.

Chairman ROESCH.—If the irregularities exist anywhere in any of the returns, they will exist there to-day as much as they will exist next week, and you can not alter that in any respect.

Mr. O'NEIL.—Unless we might show some evidence outside of the returns to account for the irregularities, or show there were irregularities upon the other side, which would counterbalance the irregularities charged against us.

Mr. HIRSCHBERG.—When we came here we asked to have these things made specific.

Chairman ROESCH.—The committee feels in this way; the committee do not want to do anything to hurry you on, but we would like to get through with this work. If this committee had had any intimation this morning early, that you were not going on with this case, as we made our engagement with you, this committee would have attended to its other work, and it is a serious interference with the work of this committee in other directions. You are perhaps not exactly to blame for that; you must have known yesterday you could not go on to-day, and if you had sent a telegram to the committee, the committee would have made other engagements.

Mr. HIRSCHBERG.—We told the chairman at the last hearing we did not think we would be able to go on to-day. If I had the subpoenas the same day we were here, we could not have been ready.

Chairman ROESCH.—The time of the committee is wasted.

Mr. HIRSCHBERG.—The committee said to us when they closed their case you would give us abundant time.

Mr. GARDNER.—The committee also said they must go on with their case Friday night and Saturday.

Mr. O'NEIL.—All we want is time to get ready, and we will finish up in one hearing, which may, perhaps, take an afternoon and an evening.

Mr. HIRSCHBERG.—We can not make an agreement to finish in one hearing.

Chairman ROESCH.—The committee stands adjourned as to the Lamont-Richardson contest until 7 o'clock Thursday evening, next week, February 25, 1892.

THURSDAY, *February*, 25, 1892 — 7.30 P. M.

The committee met pursuant to adjournment.

Present.—Senator ENDRES.

Mr. HIRSCHBERG.—As we have a number of witnesses subpoenaed here, we will not occupy the time of the committee now in making a motion to dismiss the contestant's proceedings, but will reserve that until the evidence is all in, when it will be embraced in the final argument; we also proceed to the trial of the case on behalf of the sitting member without any formal opening to the committee.

JAMES S. TAYLOR, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you reside? A. In Newburgh; in the town.

Q. Were you formerly a resident of the city? A. Yes, sir.

Q. For a number of years? A. Twelve.

Q. And until within a year past? A. Yes, sir.

Q. Were you present in the city of Newburgh on election day last fall? A. Yes, sir.

Q. In what ward? A. In the first ward.

Q. What district of that ward? A. Fifth district.

Q. In what capacity, if any, were you present there that day?

A. I was appointed as watcher for that district.

Q. A Republican watcher? A. Yes, sir.

Q. Who was the other regularly appointed Republican watcher in that district? A. John Smith.

Q. Who were the Democratic watchers? A. William Mar and Littleton; I don't know his first name.

Q. Who were the inspectors of election in that district? A. John McChrisen and William White, and Eugene Farrington.

Q. How much of the time were you actually present at the polls during the day? A. From the time the polls opened until they closed.

Q. And after they closed? A. Yes.

Q. Until what time? A. Until after the vote was counted.

Q. And the result declared? A. Yes.

Q. Some testimony has been given here to the effect that there was a back room connected with the poll and that people came in and out indiscriminately; what have you to say to that? A. I don't think that

there was a man went into that back room who had no right there; either he was an inspector or a watcher, or the man who owned the building.

Q. How was it as to coming in the polling place into that room?
A. They couldn't get in from outside.

Q. They couldn't get in to where the poll was being held? A. No, sir.

Q. As matter of fact did anybody come in? A. Not to my knowledge.

Q. You were in a position to observe it? A. I could see all that was going on.

Q. State to the committee how the vote was counted that night?
A. I presume it was done as it always has been done since I have had anything to do with watching or counting that vote; I watch the Democratic inspector and the others did the same; the Republican watched the Democrat.

Q. And the Democrat watched the Republican? A. Yes, sir.

Q. Who counted the votes? A. The inspector.

Q. Any one else? A. Only in one instance.

Q. State what that instance was? A. After we had got through the head of the ticket, we got to the third or fourth name, I don't know which it was, there was a ticket passed through the Democratic inspector's hand and I tried to call his attention to it at the time.

Q. Mr. McChristen? A. Yes; the man I was watching; he rather ignored me, as much as to say he could count the tickets which he did proceed to do; he counted them the second time and made the same mistake; I again called his attention to it and the Democratic watcher saw the same mistake.

Q. Which one? A. Mr. Mar; after the figures were added up the count didn't balance; made a mistake of one; one man had more than he should have had.

Q. Which office was it on the ticket? A. It was for governor, on the Prohibitionist, Labor candidate, I don't know which it was; there was a scratch on.

Q. You mean it was for the office of Governor? A. Yes; the Democratic watcher turned to the Democratic inspector and said, "Let Mr. Taylor count those votes," I said, "No;" I didn't care to count them; I showed him where the mistake was and the other inspectors who were making the counts had got half a dozen names ahead of the others and they were impatient at the delay, and they turned around and they all insisted on my counting that batch of tickets to make them straight, and Mr. McChristen then said he

would allow it; I showed him where the mistake was which straightened the thing right out and they went right along and had no more trouble.

Q. All the trouble was this one scratch on the office of Governor had been overlooked by McChristen? A. Yes; we were all impatient; we all had a hard day and we were all anxious to get away.

Q. Did Mr. McChristen count all the tickets correctly with the single exception he overlooked that one scratch? A. Yes.

Q. You found no other error of any other kind? A. No error that I know of.

Q. What was Mr. McChristen's condition? A. In what way?

Q. As to sobriety? A. I consider that he was sober, perfectly?

Q. Did you notice any act of impropriety on his part during the day that indicated anything to the contrary? A. I did not; I don't think he even left the poll-room that I know of during the entire day.

Q. Of course there was nothing to drink in there? A. I presume not.

By Senator ENDRES:

Q. Did you see anything there? A. I saw what I had.

Q. Did you have anything to drink? A. There was coffee.

Q. No liquor? A. No, sir.

Cross-examination:

By Mr. GARDNER:

Q. Do you recall the fact that he knocked over a bunch of ballots when he was counting them; the inspector McChristen? A. I recall the fact at one time during the count the tickets were in front of him on the table, one pile to his right, one to the middle and one to his left, and in reaching over for one pile he accidentally jarred them, which almost caused them to fall.

Q. Isn't it a fact that they did tumble over? A. Not on the ground.

Q. Did they on the table? A. They were sliding away when I put my arm up and caught them.

Q. You handled the ballots while he was counting them? A. I didn't say so.

Q. Did you? A. No.

Q. Did he put them up himself? A. Yes, sir.

Q. Are you able to state whether you assisted, yourself, Mr. McChristen in counting some of those ballots now? A. Only so far as I have just testified.

Q. How many you assist him in counting? A. I assisted him

in counting the tickets that we were counting up the time we were counting the governor's tickets.

Q. About how many would that make? A. I don't know; there were probably in his pile fifty or sixty tickets.

Q. Did you assist him in counting all those? A. No.

Q. How many of those? A. Only to the ticket that I knew he had overlooked.

Q. Are you able to state how many there were? A. No, sir.

Q. You announced to him what you counted, the number that you had counted? A. No; I simply showed him the ticket which I thought he was in error on which was right.

Q. Do you know Charles Ryan? A. I know several Ryans,

Q. The one that is a clerk for Arthur McLane on Water street? A. I know him by sight.

Q. Do you know J. W. Ruttenber, the editor? A. I know him by sight.

Q. Did you ever have any conversation with those gentlemen on the subject of counting ballots on that night? A. I don't remember.

Q. Did you ever say this, or this in substance to Mr. Ryan, that you could have counted thirty-five or forty more ballots for the Republican candidates if you had a mind to that night? A. No, sir; I don't remember anything of the kind.

Q. Did you say that or that in substance to Mr. Ruttenber? A. I don't remember.

Q. Did you say anything to either of those gentlemen on that subject? A. I saw a great many men that day; I don't remember what happened particularly.

Q. Will you state now positively that you never said anything to either of those gentlemen on the subject of your counting those ballots? A. I will not, because I don't remember saying anything to him or either of them about it.

Q. You will not state you didn't so state? A. I can't state, because I have no recollection of it.

Q. You say that during the day you were in there at all times, is that true that you were not out of that room from the opening until the close of the polls that day? A. Oh, yes; I was outside the building.

Q. At different times? A. A few times; possibly three or four.

Q. How are you able to state, in answer to Judge Hirschberg's question, that there was not indiscriminately passing between the two rooms during different times of the day persons who had no right

there? A. I stated that while I was in the building I saw none of that going on.

Q. I understood you to answer that there was none of that going on as a fact, now you wish to correct your statement, do you? A. While I was in the building, of course.

Q. You know the fact that the family, the owners of the premises, lived in there? A. The rear room you speak of was used by them when the house is used as a dwelling.

Q. Was the family in there that day? A. No, sir.

By Mr. HIRSCHBERG:

Q. You really didn't count at all, you simply mean to be understood that you called attention to the fact that this error arose from the overlooking of one scratched ticket, and you simply took off of the pile until you came to that ticket? A. Yes.

Q. Without counting? A. Didn't really count; simply overlooked it.

Q. You have been asked whether you said to certain men that you could have counted thirty or forty Republican tickets, could you have counted any tickets at all? A. No, sir.

Q. Could you have affected the result in any way? A. No, sir.

Q. Was it in your power to count five, ten or any number of the Republican tickets? A. No, sir.

Q. Or change the result in any manner? A. No, sir.

Q. And of course you didn't do it? A. No; I did not.

Q. How much of the time were you out on these two or three occasions? A. I don't think the longest time I was away was over ten or fifteen minutes; it was to get air; it was insufferably hot and close in there.

Q. Was it at such times that the voting was slack? A. Generally; yes.

By Mr. GARDNER:

Q. Didn't you solicit any votes that day? A. Not at all.

JOHN J. QUISTON, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. First ward, city of Newburgh, 297 Ann street, Fifth district.

Q. How long have you lived there? A. Four years last December; I have lived in Newburgh all my life.

Q. Born and brought up there? A. Yes, sir.

Q. Were you the Democratic inspector of election in that district? A. I was.

Q. You have heard the testimony of Mr. Taylor just given? A. I heard a part of it; I was too far away to hear all.

Q. Did you serve, discharge the duties of inspector that day? A. I did.

Q. All day long? A. Yes, sir.

Q. After the voting ceased did you remain there discharging your duties? A. Yes; until the counting of the ballots was through with.

Q. Didn't leave there until the work was entirely completed? A. I did not; no sir.

Q. Were you in the building all day? A. I was out of it once in the morning, between 9 and 10 o'clock, for about five minutes, I should think, and once in the afternoon after I had my dinner; I went out and got a glass of ginger ale.

Q. Did you get anything to drink when you went out in the morning? A. I got a glass of ginger ale.

Q. Those two occasions were the only occasions you were out of the building at all from the time the polls opened until your duties ceased when the result was announced? A. They was the only two times.

Q. On those two occasions you were absent a few moments? A. I wasn't out either time over five minutes.

Q. Had you been indulging in intoxicating drinks that day? A. No, sir.

Q. Were you or were you not sober? A. I was sober.

Q. All the time? A. All day long; from early in the morning until the close at night, and until the count was through with I was sober; as sober then as I am now.

Q. Mrs. Moran testified you came in her place and got a glass of ale; did you go in? A. I did, on my way down street.

Q. That was after the result had been announced? A. Yes, sir.

Q. Did you count the ballots with the other inspectors? A. Yes, sir.

Q. Did you count them correctly? A. I counted them all correctly, unless once.

Q. State what that was? A. One time, I think it was on the straight ticket, I wouldn't be positive, but the top of the ticket I started to count and when I got through all but the last pile, I think it was the Republican pile, Mr. Taylor told me I had made a mistake, and I told him I would let it run until I saw how it came out in the count, and when it came out in the count there was a mistake.

Q. How many? A. One; the chairman of the board of inspectors told me to count my ballots over again and I started and counted them, and when I came to that place Mr. Taylor put his finger out

like that, and stopped the ballot from dropping, and that was the only time he touched the ballot.

Q. Did he show you where the error was? A. Yes.

Q. What was it? A. A split ticket.

Q. That you had overlooked? A. Yes, and I didn't notice.

Q. Do you remember Mr. June being there that day? A. I do.

Q. What did he come for? A. He came there and asked me if there were any more names on the book that hadn't voted; he called me to the door and I told him there was one, Henry Guinn, and I sent for him; I came back and went back in my place behind the ballot box; I was receiving ballots that day; that was all the conversation I had with Mr. June.

Cross-examination :

By Mr. GARDNER:

Q. On that day did you feel well? A. I wasn't in the best of health; but I felt able to do my duty.

Q. You are quite sure that you didn't drink any whisky that day? A. No, sir; I didn't drink any whisky that day any more than what I told Mr. Hirschberg.

By Senator ENDRES:

Q. You didn't swear you drank any whisky? A. I didn't say I drank whisky at all; it was ginger ale I told Mr. Hirschberg.

By Mr. GARDNER:

Q. You state positively you didn't drink any whisky that day? A. I didn't drink any whisky; no, sir.

Q. You have been in my office during this investigation, haven't you? A. You sent for me one day.

Q. You had a conversation with me one the subject of your state of feeling that day, didn't you? A. I told you I wasn't feeling well election day.

Q. Did you say to me that you had drank some whisky that day and you drank it because you didn't feel well or that in substance? A. I don't think I did.

Q. If that isn't what you stated will you state what you did state to me? A. You asked me when I was in your office, didn't you ask me if I drank any intoxicating drink that day, and I told you no, I didn't any more than a glass of ginger ale.

Q. Then you didn't state to me that you had drank whisky that day? A. I did not; no.

Q. You didn't further state to me that you had drank whisky in Mrs. Moran's? A. That day?

Q. Yes? A. No; I wasn't in Mrs. Moran's that day until after the polls closed and the count and all over.

Q. Do you remember knocking over a pile of ballots that night? A. That was my elbow; Mr. Taylor merely put his hand, I think, and shoved them up; he didn't count them or anything of that.

Q. You state Mr. Taylor did not assist in counting the ballots that night? A. Mr. Taylor did not assist in counting the ballots.

Q. And didn't handle them? A. He just showed me where the mistake was, and put his finger on top of the ballot.

Q. Please state how the mistake was made? A. I must have overlooked the split ticket.

Q. At what time did you discover that there was a mistake made? A. When the chairman announced the count.

Q. How did you discover that there was a mistake? A. It was the chairman said there was a mistake made and he told me to count my ballots over again.

Q. How did you satisfy yourself there was a mistake? A. Mr. Taylor showed it to me when he seen I was going over it the second time.

Q. When Mr. Taylor told you there was a mistake you satisfied yourself there was a mistake, didn't you? A. Yes.

Q. How did you satisfy yourself aside from what Mr. Taylor told you that there was a mistake? A. I counted the ballots all over and I was satisfied that the result had to come out just so, such a number of ballots in it.

Q. In other words, you stated there were so many votes cast for a certain candidate? A. Yes, sir.

Q. In looking over the ballots you didn't find as many ballots in your pile as there were votes which you stated were cast; that is the way you found the mistake, isn't it? I don't understand you.

Q. You state there was a discrepancy between the ballots which you counted and the number of ballots which you stated? A. Yes, sir.

Q. Will you state how that discrepancy appeared; were there more ballots in the piles that you counted than what you announced, or were there less? A. One more ballot in than what there ought to have been.

Q. How did that occur? A. It was put to the wrong man.

Q. Do you remember the man? A. No; I do not; I don't remember as far back as that; I couldn't think of him either; I don't know.

By Mr. HIRSCHBERG:

Q. It was on the State ticket? A. Yes, sir.

By Senator ENDRES:

Q. Do you mean there was one more ballot or one more vote?

A. One more vote.

JESSE V. EARLE, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. No. 5 Cottage place, Washington street, Newburgh.

Q. Were you at the poll in question to which the last two witnesses have directed their testimony, on election day? A. Yes, sir.

Q. In what capacity? A. Poll clerk.

Q. Democratic or Republican? A. Republican.

Q. Were you there all day? A. Yes, sir; all but about three or four minutes.

Q. At what time in the day were you out? A. In the afternoon.

Q. Was Mr. Quiston there during the day? A. Yes, sir.

Q. The entire day? A. All but twice he went out.

Q. As he has testified? A. Yes.

Q. Was he there at night and during the canvassing of the ballots?
A. Yes, sir.

Q. What was his condition during the day and night as to sobriety?
A. He was perfectly sober.

Q. Was there anything at all about his appearance or manner indicative of intoxication? A. No, sir.

Q. Did he count the ballots? A. Yes, sir.

Q. The same as the other inspectors? A. Yes, sir; they were divided up in three piles; each inspector had a pile.

Q. Was there anything at all noticeable about his counting them? A. Nothing noticeable more about it than he was a little slower than the other two counting; there was a mistake made on the start in the pile that he took.

Q. A mistake of how many? A. One.

Q. Did he attempt to verify it himself? A. To rectify the mistake?

Q. Yes. A. Yes.

Q. How was it discovered? A. It was on account of a split ticket; and Mr. Taylor told him when the mistake came, "You made a mistake there;" but he kept on; and then he counted them over again; and Mr. Taylor, as he was counting them over and when he came to the mistake, he showed him where it was.

Q. When he came to that ticket, Mr. Taylor thought there was a split on the one he showed him? A. Yes.

Q. Did Mr. Taylor count the ballots? A. No, sir.

Q. Nobody but the inspectors counted? A. That's all; yes, sir.

Cross-examination :

By Mr. GARDNER:

Q. Did you count any ballots that day? A. No, sir; that wasn't my duty.

Q. You were the Republican poll clerk? A. Yes, sir.

HIRAM B. ODELL, being duly sworn, testified as follows:

By Mr. HIRSONBERG:

Q. Where do you reside? A. City of Newburgh.

Q. Were you there last fall on election day? A. Yes, sir.

Q. In what ward? A. Second ward, first district.

Q. Some evidence has been given here to the effect that you electioneered on that day within 150 feet of the polling place; was that a fact? A. No, sir; it was not.

Q. Were you on that day within 150 feet of the polling place? A. Yes, sir.

Q. All day? A. Pretty much.

Q. Why? A. Because I was a watcher.

Q. Regularly appointed? A. Regularly appointed by the chairman of the county committee.

Q. Where were you during the day? A. I was inside a good portion of the day; in fact, most all the time.

Q. Were you outside part of the day? A. Yes, sir.

Q. You know Mr. Mahoney? A. Yes, sir.

Q. He has been examined as a witness here and said he had a conflict with you and told you to go away and not remain within 150 feet of the polls? A. You are mistaken about the man; I think it was Mr. Williams.

Q. John Williams? A. Yes, sir; he came over and Mr. Withers and myself were standing outside and told us we had no business to be there, that we were electioneering and he would have an officer summoned and arrest us if we didn't go away; in fact, I think he called an officer's attention to it, that we were there at the polls.

Q. What officer? A. I think it was Officer Thomas R. Depew; I simply stated to Mr. Williams that I thought I had a perfect right there, that I was a regularly appointed watcher and proposed to stay there.

Q. Were you interfering with anybody's voting? A. No, sir.

Q. Or attempting to interfere in any way? A. No, sir.

Q. Or was Mr. Withers? A. No, sir.

Q. Was Mr. Withers doing anything of that kind during any part of the day? A. No, sir; not to my knowledge.

Q. Was Mr. Williams doing anything in the way of electioneering? A. I wouldn't state positively as to that; he was around there; I saw him around there two or three different times.

Q. You know him to be a Democratic worker? A. Yes, sir.

Q. Has been for a number of years at that poll; was he a watcher? A. No, sir.

Cross-examination :

By Mr. GARDNER:

Q. Why is it that Mr. Williams said he would send for a police officer if you didn't leave there? A. I couldn't say.

Q. Do you wish to state that you were standing there doing nothing when Williams approached you and told you if you didn't desist or leave there he would call a police officer? A. I mean to state nothing of the kind.

Q. What were you doing? A. I was talking with Mr. Withers; I don't think there was anybody else present.

Q. Weren't there any voters present? A. No, sir, I think not; that is, there were not any voters near enough to us that we could talk with them.

Q. Mr. Withers was also a watcher? A. Yes, sir.

Q. Did you think it strange that Mr. Williams would threaten to have a police officer sent for to have you removed? A. I thought it very strange under the circumstances.

Q. Did you enter into any discussion with him? A. No, sir.

Q. Didn't he charge you with having electioneered within the poll limits? A. He made some charge of that kind.

Q. Then and there? A. Then and there.

Q. Said that was the reason he would send for the police officer? A. I believe so.

Q. Isn't it a fact you had at least some pasters that day in your hand, asking voters to vote? A. I did not; I had pasters in my pocket, but I didn't ask voters to vote.

Q. Did you hand any pasters to any voters? A. No, sir.

Q. Not one during that day? A. Not one during that day.

Q. Mr. Withers? A. I know nothing what Mr. Withers did; I can't speak for him.

Q. Did your duties as a watcher call you outside? A. Yes, I think they did.

Q. You were not aware of the fact your duties as a watcher called you inside of the polls? A. Yes, sir.

Q. You also thought it called you outside? A. I think so.

Q. Did you think so then? A. I did.

By Mr. WASHBURN:

Q. How many Republican watchers were there at that polls? A. Two.

Q. Mr. Withers the other? A. Yes.

Q. You thought it necessary that both watchers should be outside? A. I gave it no thought; I thought we had a perfect right to be outside if we wanted to; we were inside most of the time — particularly when the votes were counted.

By Mr. HIRSCHBERG:

Q. Mr. Williams had seen you there before working, before the ballot reform law was passed? A. Yes, sir.

Q. If he didn't know you and Mr. Withers were watchers there would be nothing surprising in his coming there and asking you to move off 150 feet? A. No, sir.

By Senator ENDRES:

Q. Where was this you were standing? A. In front of the building.

Q. You had pasters in your pocket? A. I had a paster or two in my pocket.

Q. And distributed none there? A. No, sir.

Q. Within a line of 150 feet of the polls? A. No, sir; I am positive.

ALEXANDER WITHERS, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. You are the other watcher in the first district of the second ward of Newburgh and were last fall election? A. Yes, sir.

Q. State to the committee what this incident was that Mr. Williams has brought up here and to which Mr. Odell has referred? A. I believe as far as I remember the matter that Mr. Williams was across the street; there was no voting going on at the time and we were walking back and forward; we were in conversation, talking with one another; no matter of politics or no matter that would bear in the matter of politics because there wasn't anyone there to talk politics with, and who voted; Mr. Williams was across the street and he came across

the street and as I understood him to say that if he didn't cease electioneering he would have us arrested; that is about what he made remarks on.

Q. What further was said, if anything, what explanation did you and Mr. Odell make of your being there? A. There was another man there; I was talking to another man; I don't know whether the special policeman or some other person there.

Q. What was said to Mr. Williams as the reason why you and Mr. Odell were there? A. I don't understand you.

Q. Did Mr. Odell tell Mr. Williams that you had a right to be there? A. I don't remember of hearing him say so.

Q. Did Mr. Williams know that you were a watcher? A. I don't think he did.

Q. You didn't tell him yourself that you were a watcher? A. I did not; no.

Q. He came across the street to the polling place? A. Yes.

Q. Did he go back after that? A. No; he went down along side the polling place.

Q. Did he remain there? A. He moved on down somewhat.

Q. Were you there all day? A. Yes, sir.

Q. In the discharge of your duties? A. Yes, sir.

Q. Did you do any electioneering there? A. No, sir.

Q. None whatever? A. None whatever within the distance.

Q. Within what is called the dead line. A. No.

Cross-examination:

By Mr. GARDNER:

Q. You had some pasters in your pocket that day? A. No, sir.

Q. In your hand? A. No, sir; not in the polling place.

Q. Did you have any paster ballots? A. Not in the polling place; I had some in the morning early before I went to the polls.

Q. How many? A. A little package of them.

Q. What did you do with them? A. I don't know; I left them in stores, different places.

Q. State any particular store? A. Hindman Ross, and I think I left some in different houses the night before.

Q. Will you state as a fact you didn't hand any paster ballots to voters that day? A. Not after the polls opened, I don't think I did.

Q. I am asking you to put yourself on record as stating it to be a fact that you did not? A. I don't remember whether I did or did not.

Q. You saw Mr. B. B. Odell on that day? A. Yes, sir.

Q. What time of day? A. Several times that day.

Q. Can you recall any particular place where you saw him? A. Yes, sir.

Q. Where? A. In the voting place.

Q. I mean B. B. Odell? A. I did not see him that day.

Q. Did you see him the day before? A. Yes.

Q. Wasn't it at his office you saw him? A. I saw him two or three places.

Q. Was it not at his office the day before election that you saw him?

A. I don't know as I did see him the day before election in the office; which office?

Q. His office on Water street, 14 Water street? A. I don't know; I don't remember whether I saw him there that day or not; I don't think I did.

Q. Will you swear it wasn't the second day before election? A. I saw him often; I couldn't tell whether it was that day or the day before.

Q. It was some day before election? A. Yes.

Q. Very near election, wasn't it? A. Yes; I suppose so; I am in and out there every day.

Q. Will you state what the nature of your business at his office was the day that you saw him there last before election? A. I could not, particularly.

Q. Will you swear it wasn't in relation to arranging for the election expenses? A. Yes, sir; I will swear so.

Q. Will you swear you didn't have any conversation with him on election at all, the last day you were at his office before election? A. General talk.

Q. What was your general talk? A. I don't remember; what men would have in a general way.

Q. Wasn't that the business you had at his office, to talk over about election? A. No, sir.

Q. The money which you had on election day you spent for legitimate purposes; didn't you?

Mr. HIRSCHBERG.—Did he say he had any money?

Senator ENDRES.—Nothing said about money.

Q. You had some money for election purposes? A. No, sir.

Q. Not a cent? A. No, sir.

Q. Didn't Mr. Odell hand you any money? A. No, sir.

Q. Or any body else for election purposes? A. No, sir.

Q. For any other purpose on the day of election? A. Well, no.

Q. Did anybody on the day of election hand you any money for any purpose? A. I don't think they did.

Q. The day before election? A. No, sir.

Q. Will you swear they didn't? A. I will.

Q. You will swear under oath that you had no money handed to you for any purpose on election day, will you positively? A. I don't think there was any money passed over to me.

Q. Will you state positively that you did not?

Mr. HIRSCHBERG.—I object to that.

Mr. GARDNER.—This witness is intelligent.

Mr. HIRSCHBERG.—Yes; the witness is.

Mr. GARDNER.—It seems his counsel—

Mr. HIRSCHBERG.—He hasn't any counsel; all I object to is his asking whether anybody didn't give him any money.

Mr. GARDNER.—I insist this is not fair; here is a witness that we can prove had money that day.

Mr. HIRSCHBERG.—Why don't you prove it?

Mr. GARDNER.—I will if you will let me alone on the examination of this witness.

Q. I want to know whether you will state positively under your oath that you had no money on election day for any purpose from anybody?

Mr. HIRSCHBERG.—I object to it as immaterial.

THE WITNESS:

A. I had money of my own.

Q. From whom did you get that money? A. My own earnings.

Q. Did you use any of it for election purposes? A. No, sir.

Q. Not one cent? A. No, sir; I don't know what you call election purposes.

By Senator ENDRES:

Q. Buying votes, etc.? A. No, sir; I did not.

By Mr. GARDNER:

Q. Paying watchers? A. No, sir.

Q. Paying for teams? A. No, sir; you have got the wrong man.

By Senator ENDRES:

Q. When you and Mr. Odell were together did voters pass by you to go to the polls? A. No, sir.

Q. When you were this short distance in front of the polling place did they have to pass by you? A. The same entrance.

Q. Did you solicit any votes? A. No, sir; there weren't any voters going in at that time.

Q. Did you have any paster ballots in your pockets? A. No, sir.

Q. I heard you testify you met Mr. Odell in the office, and the

remark was made about what the men would have on election day; what do you mean by that?

Mr. HIRSCHBERG.—What men we would have on election day.

* By Mr. HIRSCHBERG:

Q. What men would be at work at the different polls? A. Yes.

By Mr. WASHBURN:

Q. Were you a Republican watcher at those polls? A. Yes.

Q. When you were outside were you acting as watcher with Mr. Odell? A. I presume so.

Q. Were you acting as watcher there? A. There wasn't anyone voting at the time we were out at the door.

Q. Were you there acting in your capacity as a watcher? A. Yes, sir.

Q. Will you state to the committee the duties that you performed there, you and Mr. Odell together, as the watchers at that polls? A. As far as I know my duty was to see that everything was carried on according to law, and as far as I understood it.

Q. What were you doing as a watcher on the sidewalk? A. There was a movement there; there were others there; other watchers that went back and forward in the room; moved around; moved out to the door.

Q. Were there other Republican watchers? A. Not but the two Republican watchers.

Q. They were both on the sidewalk? A. Two Democratic watchers, also.

Q. You don't state what the duties of the watchers on the sidewalk were? A. I wasn't on the sidewalk; merely walking around there, seeing if there was anything wrong or not; I don't know as there was any duty nor there wasn't any work to do.

By Senator ENDRES:

Q. You were together only this once that you have reference to? A. Yes, sir.

WILLIAM McBIRMIE, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you reside? A. City of Newburgh.

Q. You have lived there a great many years? A. Over thirty years.

Q. You recollect last fall's election? A. Yes, sir.

Q. Were you at the polls of the third ward, first district? A. Yes.

Q. How long were you there? A. From the time the polls opened until they closed, with the exception of the hour I went to my dinner.

Q. What were you doing there? A. I was there to help get out the vote.

Q. The Republican vote? A. Yes.

Q. You were there as a worker for the Republican party? A. Yes, sir.

Q. Who else was there doing that same kind of work as you were on your side? A. I don't know as there was anyone; I think I was the only one.

Q. Was Mr. Rydell there at all? A. I don't know him.

Q. Some testimony has been given here by a man by the name of Raiser, to the effect you were at work within 150 feet of the polls that day; was that so? A. No, sir; there was no electioneering at that polls that day with me, because it was only to go after the votes.

Q. All the electioneering you did do was to see who had voted, find out who hadn't voted and go after those who hadn't been there and bring them up? A. That was my work.

Q. In doing that work, did you go in the polling place from time to time, and inquire who had not voted? A. They give me the names.

Q. Who gave you the names? A. Joseph Snead and Joe Bogart.

Q. Joseph Snead is the postmaster of the city of Newburgh, now? A. Yes.

Q. Wasn't at that time? A. Wasn't at that time.

Q. Mr. Bogart, what does he do? A. General work; I don't know really what he does do.

Q. Did you do any electioneering there at all? A. No, sir.

Q. Solicit anybody? A. The people came and voted and nobody said anything to them, so far as I saw.

Q. That is, the general class of voters in that district? A. Yes; small vote there; they come and go; I didn't see anybody electioneering.

Mr. GARDNER.—That is all.

By Senator ENDRES:

Q. Did you have any paster ballots? A. Yes; I had some in the morning.

Q. Did you distribute any paster ballots? A. I didn't distribute any paster ballots.

Q. The mayor had notified the police about marking out the lines? A. Yes, sir.

Q. Were you inside of that line? A. I was outside of it all day, going and coming.

Q. You didn't solicit anybody inside of that line? A. Neither inside or outside.

JOSEPH RYDELL, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. Newburgh.

Q. Live there all your life? A. Yes, sir.

Q. Mr. Raiser said you electioneered within 150 feet of the third ward polls, third district, on election day, last fall? A. He told a falsehood.

Q. Did you do any electioneering there that day at all? A. No, sir.

Q. Give pasters to anybody? A. No, sir.

Q. Solicit their votes? A. No, sir.

Q. Or do any kind of work? A. No, sir.

Q. Were you there during the day? A. Yes.

Q. State what you were doing? A. In Lawson Hose company, No. 5, of which I have been a member for eighteen years; a volunteer fire company.

Q. That is the building next to the building in which the polling place was held? A. Yes.

Q. You were in there? A. Yes.

Q. Is it your practice to be in there? A. Yes, sir.

Q. Always? A. Always when I am down town.

Q. Some evidence has been given by Mr. Raiser, men went in there and came out again, did men go in and out of that engine house? A. Members of the company; they are about equally divided; part Republicans politically; so they can't do much one way or the other.

Q. Did they do any electioneering on either side in there on that day? A. No, sir.

Q. Was there any machinery in there for electioneering? A. No, sir.

Q. Any table and tickets and pasters? A. No, sir.

Q. And money such as belongs to election? A. No, sir.

Q. Any party workers in there that you saw during the day? A. No, sir.

Q. At any time? A. No, sir.

Q. As a matter of fact there were Democrats in there all day as well as Republicans? A. Yes.

Q. As many of one as the other? A. Yes.

By Senator ENDRES:

Q. No paster ballots distributed in there? A. No, sir.

Q. No person got in there except those that had a latch-key? A. No, sir.

A. S. Wood, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you reside? A. City of Newburgh,

Q. How long have you lived there? A. Since 1868.

Q. Were you one of the inspectors of election last fall? A. I was; second district, third ward.

Q. Who were the other inspectors? A. John H. Chapman and Harry M. Wareing; I think it is.

Q. Two Republicans, Mr. Wareing, Republican, and Mr. Chapman, the Democratic? A. Yes.

Q. Who were the ballot clerks? A. George D. Smith and Lewis N. Smith, jr.

Q. Who were the poll clerks? A. Alexander Leslie and George K. Smith.

Q. It is charged in this petition the ballot-box was opened by the inspectors in your district and the result affected? A. The ballot-box was opened but the result wasn't affected.

Q. State how it happened? A. When the polls opened, I, as chairman, received the voted tickets; Mr. Chapman, the Democratic inspector, received the tickets not voted, his box in front of him, and the voted box in front of me, and the stub box between us; and between half-past 8 and 9 o'clock Mr. Chapman had to go out temporarily; was out about five minutes; Mr. Belknap came, a set of tickets were given him; he went in his booth, came out and handed me a ticket and said, "I vote this ticket;" I tore the stub off and put the ballot in the box; he turned and handed me the other three and said, "these I do not vote," and I tore them up, and as I was tearing them one of the clerks spoke to me and it diverted my mind and I put the whole three tickets in the same box, and as I did I said, "Jim, I put all the ballots in the box;" he said, "I want my ballot to count, and I insist on its being counted;" I says, "what shall I do?" Just then Mr. Chapman came in, and he said, "open it, it is the only fair thing to do;" I says, "come up here;" I opened the box and the three tickets were sticking up.

Q. Hadn't they gone through the slot? A. Just in the slot; I tried to stop them, three tickets were sticking up there and I picked them out, one was Democratic, one Prohibitionist and one Socialistic; we closed it up and put those in the unvoted box; there was nobody voting between the time Mr. Belknap voted and the time the box was opened and put back again.

Q. Was that done with the consent of the Democratic inspector?

A. Yes, sir; with the consent of the full board; he said it was the only fair thing to do.

Q. When the ballots were counted did they balance with the poll-sheet? A. Yes, sir.

Q. The result, was it a normal or unnatural result? A. It was a normal result, about the usual Republican majority.

Q. Of that district? A. Yes.

Mr. GARDNER.—No questions, because that it is part of our case; we proved the same facts.

Mr. HIRSCHBERG.—You needn't apologize for not cross-examining.

By Senator ENDRES:

Q. Were there many ballots in that box when you opened it? A. I think there were about sixty.

Q. You say the three — A. Stuck up just like that.

Q. Were they in the slot of the cover? A. They might have been in the slot, but when I lifted them out they dropped; before I fairly got to them I knew they had made a mistake.

Q. You admit you made a mistake? A. Yes.

HENRY WAREING, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Were you the other inspector of election referred to by Mr. Wood? A. Yes.

Mr. GARDNER.—For the purpose of expediting this examination if you wish to prove by him what the other witness testified to we will admit it.

Q. You corroborate the other statement in every respect? A. Yes, sir.

JAMES BELKNAP, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you reside? A. Newburgh.

Q. Are you a resident of the second district of the third ward? A. Yes, sir.

Q. Were you a resident and voter there last fall? A. Yes, sir.

Q. Did you hear the testimony of Mr. Wood? A. Yes.

Q. State whether or not you are the James Belknap referred to by him or not? A. I am the man.

Q. You recollect of receiving a set of ballots on election morning? A. Yes.

Q. About what time was it? A. About 9 o'clock.

Q. Did you prepare one ballot to vote? A. Yes.

Q. And the other three or four to be rejected? A. Yes, sir.

Q. What was the political complexion of the ballot which you prepared to vote? A. Republican straight.

Q. State briefly what you did with the tickets? A. I walked in there with the ticket I voted and give it to him and told him I voted that ticket; he put that in the box and I give him the others and he put them all in the box.

Q. In the same box? A. Yes; I then told him I voted a straight Republican ticket and I wanted my ballot to count; that is all I said to him.

Q. Did he say anything? A. No; he didn't say anything; he said he made a mistake, that was all.

Q. They all saw it? A. Yes.

Q. Did you remain there until the box was open? A. No, sir; I went away.

Q. You weren't there at all when Mr. Chapman came back? A. No, sir.

Mr. GARDNER.—No questions.

By Senator ENDRES:

Q. You don't know whether your vote did count? A. No, sir.

Mr. HIRSCHBERG.—I subpoenaed Mr. Chapman but I have a doctor's certificate from him that he is unable to leave his house. In view of the fact it is not going to be denied what the board did, we will not need him.

Mr. GARDNER.—We will not deny it.

Mr. HIRSCHBERG.—I want to prove it by Mr. R——, that the letter which Mr. Lamont published in the Newburgh *Sunday Telegram*, of November 24, 1889, was furnished to that newspaper by Mr. Lamont.

Mr. GARDNER.—We will admit he would swear to it but would object to it as being incompetent. The question is something that I think we could dispose of very summarily. He wants to prove that Mr. Lamont wrote a certain letter, and it was published long before this election in 1889, two years. I say that it is immaterial and nothing to do with the case.

Senator ENDRES.—What is the object of it?

Mr. HIRSCHBERG.—The committee may rule the letter out, but they will have to rule it out when we offer it without proving it came from Mr. Lamont. It would have no bearing on the case unless it was his act.

Mr. WASHBURN.—We will admit Mr. Lamont wrote a letter to Mr. Ward, and it was published.

Mr. HIRSCHBERG.—I have a printed copy of it which I will show you and if it differs in any respect from the other you can change it.

Mr. GARDNER.—Its being read is subject to being stricken off the record if it isn't material.

Mr. HIRSCHBERG.—Certainly; if the committee deem it isn't material I am content they shall rule on it. There has been a great deal of evidence offered here on their side to show we have had money in those different districts, that we gave a hundred dollars in the Highland district, and seventy-five to one hundred in other districts, and altogether our state committeeman has distributed something like \$5,000 in Orange, Sullivan and Rockland. We don't make any charge in this letter that Mr. Lamont used the money which he handled on the previous election for senator when Mr. Richardson ran before, improperly, but we claim this is a flat admission on his part, under his own hand and seal, that the amount of money we used is not an improper amount, and that he himself in the election before used a greater amount. He claims he didn't use money enough; that while he got from the Democratic State committee more money than we had, he could have got more; but he (Lamont) wanted him to get money, and Mr. Ward wouldn't get it, and he thinks the voters have done just right in electing Mr. Richardson and in defeating Mr. Ward; and we propose to follow that up by showing that there was a feeling engendered on the party of the county against him by reason of the publication of that letter, to which is attributable the falling off of his vote, and not to any corrupt performance or uses on our part.

Mr. WASHBURN.—We object to the introduction of the letter in evidence on the ground it is immaterial.

The following is a copy of the letter:

AFTER-ELECTION MUSIC.

MR. LAMONT RAMPANT.

What he has to say about the fall canvass and Mr. Ward.

[From the Newburgh Sunday Telegram, November 24, 1889.]

TURNERS, November 22, 1889.—*Editor Telegram.*—Allow me space in which to reply to the attack upon my honesty, published in your issue of the seventeenth instant, and I will give you a very full and detailed statement of my receipts and expenditures during the recent canvass, together with all the facts of my two or three days' connection with Mr. Ward's canvass, if such it could be called.

Interested in the entire ticket, as I always have been and always expect to be, I gave two weeks of hard work to the canvass in this

county before hearing one word from Mr. Ward, except that the treasurer of our county committee advised me that Mr. Ward, of all the candidates, had refused to pay his assessment. I wrote in reply to the chairman of our State executive committee, "I shall do the best that I can with or without money;" as I did, not for Mr. Ward alone, but for the entire ticket. I was working for the party—not for a very small part of it.

Since the close of the canvass my business, together with my duties as supervisor, have so fully occupied my time that I have not been as prompt in securing receipts and furnishing a statement as I desired to be. But a longer time had elapsed after the special election before I delivered to Mr. Ward a statement, accompanied by receipts, accounting for every dollar received from the State committee through Mr. Ward, and showing a deficiency of \$250, which I made good by subscribing and paying that amount. Mr. Ward never even acknowledged the receipt of the statement, to say nothing of his failure to thank me for my subscription and the many days and nights of hard work. He no doubt took oath in Albany he had not used a dollar directly or indirectly.

I feel that I should not rest under the grave charge made by Mr. Ward and his friends even for another week, and I will therefore state a few facts in brief. I had no communication with Mr. Ward until Friday after the election, and I would not have communicated with him at all had not the State committee wired me requesting that I place myself in communication with him, and written him to the same effect. The committee had sent Mr. Ward funds to carry on the canvass, and by letter requested that he confer with me. When I met Mr. Ward I found him complaining because the State committee hadn't sent him more than the five or six thousand dollars which he had received; six, I think. At all events I went to New York that night, at his request, and, notwithstanding that I had been up all Thursday night, working at the committee rooms in Goshen, I returned to Newburgh at 2 o'clock on Saturday morning, so anxious was I to get matters in shape as soon as possible. Before leaving for New York Mr. Ward had said to me, positively, that he wanted me to distribute the funds through the county committee. Therefore I was somewhat taken back when he told me that a meeting had been held in his office, the amounts apportioned to the several towns, and the persons to whom it was to be sent designated. And when I found that the organization was entirely ignored in making up the list, notwithstanding that, as Mr. Griffin, chairman of the State executive committee, said to me, that we had one of the best organizations in

the State, I rightly resented such treatment, and refused to have anything to do with the funds unless I could apportion and distribute them through the organization which had been working so hard to elect Ward in spite of his refusal to pay his assessment—in spite of himself. I was sustained in my position by all the gentlemen who were present, of whom there were several, and at about ten minutes before it was time for my train to leave Mr. Logan, at Mr. Ward's request, handed me a check for \$2,600 of the State committee's money, Mr. Ward adding that that left a balance in his hands of over \$2,300 of the money sent to him by the State committee, which he said he would use himself, as he didn't intend to use his own money. And when I render my detailed statement, I shall expect of Mr. Ward a like statement that the party may know where every dollar of the State committee's money went.

Mr. Ward's list called for \$2,850, and he said that I must care for another claim against him, and reduce the amounts to be sent to the several towns accordingly, which I did, as in the town of New Windsor, where I sent Aymar Van Buren \$100 instead of \$150, as on Mr. Ward's list, because I found that Mr. Ward had but sent seventy-five dollars there for the special election. A check for \$500 received by me direct from the State committee, and for which I shall also account in my forthcoming statement, I desired to use in my own way, especially as Mr. Ward had not paid his assessment and I did not think right for the other candidates to be obliged to pay for work done for him.

But, to go back, I reached Goshen after 11 o'clock on Saturday morning, to find that I could not cash there, it being a half-holiday. It was useless to try elsewhere, I supposed, but I succeeded in getting \$620 from Warwick, and through Mr. Edward G. Sweezey, of Goshen, telephoned Mr. Ward, asking if he could not secure the cash for me, as I knew that he was in a position to do, did he care to make the effort. He replied that it was too late. I then asked him if he could fix it if I went over the next day—Sunday—to which he replied that he could not go before 9 on Monday. I then made what money I could get go as far as it would, and telegraphed to all other towns, "Make all arrangements for teams and so forth. Come to-morrow." A messenger was in Newburgh early Monday morning, secured cash for the \$2,600 check from Mr. Ward, and reached Goshen with it about 1 o'clock. In the meantime I had secured cash in Goshen for the \$500 check, and made it go as far as possible. In the afternoon I distributed, by messenger and otherwise, the \$2,600, leaving my own town until the last, so that it was midnight before I was through.

As to the town of Highlands, I telegraphed there two or three times, finally asking whether they would come or I should send. At last, about half-past 4, they wired "Send it," and Mr. Sweezey, going to the telephone, asked Mr. Ward if he would send it, and he replied sharply that he might if he had it there. I was thoroughly provoked and had nothing more to say to Mr. Ward, but sent messengers to the towns of Highlands and Newburgh, sending, in Highlands, to the gentlemen named by Mr. Ward \$100, or twenty-five dollars more than Mr. Ward sent there last fall. I can't answer as to particular election districts, but I can say that in each and every town the money was given to an energetic, trustworthy Democrat of high standing—politically, socially and in most instances in a business way. Nearly all the towns in this county were fully up to our expectations, but the result in Mr. Ward's own home, Deerpark and Highlands, was a great disappointment to all.

So far as the party is concerned, the interior of the county was crushed between the two ends. Is any evidence of double-dealing, on my part, to be found in the vote cast in this town—Monroe? The Monroe district, where I worked, more than doubled Mr. Ward's majority; and in the Highland Mills district, notwithstanding a number of Democratic electors had been set off to the town of Highlands since the spring election last spring, we polled more Democratic votes than ever before, while the result in the Southfields district was a very agreeable surprise to all, as notwithstanding the fact that Mr. Varnum, a wealthy gentleman and a candidate for Attorney-General on the Republican State ticket, was a resident of that district, it gave but twenty-three Republican majority. Point out to me, you reckless ingrates and would-be destroyers of character, another town in this or any other State that made such a showing, with a candidate on the opposite ticket within its borders! But for that fact Monroe would have gone Democratic. Notwithstanding it gave a Republican majority of 183 last fall; this year it gave Richardson but twenty-two as against Ward. I ask the party in this county if this is not sufficient proof, if proof be necessary, that I was in this canvass, as I always have been, true to the party, and to Mr. Ward in particular. The county committee, or rather myself as its chairman, caused to be sent to a large majority of the voters of the county, a sketch of the candidates accompanied by a full set of tickets and cards showing the increase in taxation by reason of "Republican legislative extravagance." I also secured a pledge from a reliable man in each school district of the county, that he would visit the Democratic electors of his district and induce them to go to the polls and vote the entire ticket. In short, I worked tirelessly, and am paid in abuse by a candidate

beaten by reason of his self-conceit, which caused him to believe that the Hon. Peter Ward stood so far above the ordinary man that he could defeat any other candidate "hands down," and when his secretary desired to write to the State committee that his (Mr. Ward's) election was doubtful, unless the committee sent him more money, Mr. Ward refused to sanction it, saying: "Lamont, I don't believe this man can beat me!"

As to my being a candidate for senator or any other office, there is no truth whatever in it. I would much prefer to remain in a position to act fearlessly. I very much regret that I should be obliged to publish such a detailed statement; but I know full well that no man of honesty and spirit would rest under such charges. There is but one way to meet them, and that is by laying bare all the facts and figures as I propose to do. If it proves to be grist to the mill of our political opponents, and injurious to ourselves, then place the responsibility where it belongs, with a candidate mortified at the evidence of his weakness, who, in chagrin, seeks to strike down the reputation of one of his most energetic aids in order that he may shift the odium of defeat. Peter Ward is, alone, responsible for the loss of the senatorial district, and bear in mind that he did not "put up" one dollar of his own money, refused to pay his assessment, and reserved \$2,300 of the *State Committee money to use himself*.

Now that I know Peter Ward, I can but feel that the people of this senatorial district rendered a just and correct verdict on the fifth inst.

Yours very truly,

C. FRED LAMONT.

JOHN F. BENNETT, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you live? A. Bloomingburgh, Sullivan county.

Q. In the thirteenth senatorial district? A. Yes.

Q. What town do you live in? A. Town of Mamakating.

Q. Where do you vote? A. First district, Bloomingburgh.

Q. How many districts in that town? A. Three.

Q. Where is the first? A. Bloomingburgh.

Q. The second? A. Wurtsboro; the third is also down toward Ulster county, at Phillipsport.

Q. That where John Erwin lives? A. Yes.

Q. He is a Democrat and a worker? A. Yes, sir.

Q. He was sworn on a previous hearing? A. I understood so.

Q. Do you know Charles Norbury? A. Yes; he lives in our district, No. 1.

Q. What are his politics? A. Democratic.

Q. An ex-supervisor? A. Yes, sir.

Q. Prominent man? A. Yes, sir.

Q. And quite a worker? A. Yes, sir.

Q. Was he present the last election had at your district? A. Yes; he was clerk.

Q. You were there when the ballots came in the morning? A. Yes.

Q. Where did they come from? A. Wurtsboro; from the town clerk's office.

Q. How far is your district from the second district in Wurtsboro? A. Four miles.

Q. What time did the ballots arrive there? A. In good season in the morning; I think somewhere in the neighborhood of 7 o'clock.

Q. Who was present when the ballots arrived? A. The inspectors; Mr. Hornbeck, a Republican; Mr. Hultslander, a Republican; and Mr. Beeker is a Democrat, and Squire Fitts, a Republican, and Norbury, a Democrat.

Q. The gentlemen sworn on the other hearing? A. Yes.

Q. Who brought the ballots there? A. I think it was a son of Ransom Bennett, the town clerk.

Q. State what you discovered with reference to the ballots, if anything, when they came there? A. We had the sample ballots of district No. 3.

Q. That is the Phillipsport district? A. Yes, sir; then we spoke it would take two hours to change them, and Mr. Norbury and Mr. Fitts each took some of those and looked over the official ballot, lifted them over as you would money if you were counting them; I didn't have any in my hand, although I stood there.

Q. What did you see? A. I saw they belonged to our district; saw them settle down and went on using them; there were some people there that wanted to vote; they were outside; some men that were going hunting.

Q. All your official ballots were regular ballots? A. Yes, sir.

Q. And belonged to your election district? A. Yes, sir.

Q. Were so indorsed? A. Yes, sir; they found them correct.

Q. And the sample ballots were the third district? A. Yes, sir.

Mr. GARDNER.—No questions.

WILLIAM HANYEN, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you live? A. Phillipsport, Sullivan county.

Q. You voted there? A. Yes, sir.

- Q. In what district? A. Third district.
- Q. Of the town of Mamakating? A. Yes.
- Q. Did you notice your official ballot when you voted it? A. I did.
- Q. Who gave it to you? A. John Bell.
- Q. He is one of the inspectors? A. He is ballot clerk.
- Q. What did you notice on it? A. Noticed third district.
- Q. Was it the third district? A. Yes, sir.
- Q. So indorsed? A. Yes, sir.
- Q. So printed on the ballot? A. Yes, sir.
- Q. Was Mr. Erwin there that day? A. Yes, sir.
- Q. Were the Democratic watchers there? A. Yes, sir.
- Q. And Republican? A. Yes, sir.
- Q. Any question raised as to the regularity of the ballots that day? A. No, sir.
- Q. Or at any other time since then? A. There has been here lately.
- Q. Here in this place? A. Since this has been started.
- Q. In the senate chamber? A. Yes, sir.
- Q. None was raised that day? A. No, sir.
- That is all.

Cross-examination :

By Mr. GARDNER:

- Q. Did I understand you to say that you were a watcher, poll-clerk or inspector? A. No, sir.
- Q. Were you in and around the polls all day? A. No, sir.
- Q. You are not able to say whether there was any question raised during the day as to those ballots, are you. A. There wasn't during the day time, there wasn't when I was there.
- Q. You were not there all the time? A. No, sir.

DANIEL ARNOTS, being duly sworn, testified as follows:

By Mr. O'NEIL:

- Q. Where do you live? A. Phillipsport, town of Mamakating, Sullivan county.
- Q. What election district? A. Third district.
- Q. Did you vote there at the last election? A. Yes, sir.
- Q. State whether or not when your ballot was handed you, you looked at it.
- Q. What did you find indorsed on you ballot? A. Official ballot, poll, third district, town of Mamakating, November 3, Richard Gildersleeve, county clerk.

Q. Was that printed on the ballot? A. Yes, sir; Richard Gilder-sleeve was written on.

Q. The rest was printed on? A. Yes, sir.

Q. You are positive as to the third part of it? A. Yes, sir.

Q. Third district? A. Yes, sir.

Q. Was there any question raised there as to the regularity of the ballots that day? A. No, sir.

Q. By any person? A. No, sir.

Q. What time did you leave there? A. About three o'clock.

Q. How long had you been there? A. From eight o'clock until three.

Q. What did you do there? A. Watching John Erwin.

Q. He was the Democratic worker? A. Yes, sir.

Q. Are you a Republican? A. Yes.

Q. Who was watching you? A. John Erwin, I guess.

Q. There was no question raised at all by any person as to the regularity of the ballots? A. No, sir.

Q. Erwin didn't raise any such question? A. No, sir.

Q. Did you ever hear of it until the last meeting of the committee? A. No, sir; I did not.

Q. This district was investigated there, that is where Dr. Beakes lives, the member of Assembly? A. Yes.

Q. There was a contest there in reference to one ballot? A. Yes, sir; one or two ballots.

Q. You voted the Republican ticket? A. Yes, sir.

Q. And it was a Republican ballot that had this indorsement on? A. I can't tell for that.

Q. You voted the Republican ticket? A. Yes; the Republican ticket had this indorsement on.

Q. The ticket you voted had this indorsement on? A. Yes, sir.

Cross-examination:

By Mr. GARDNER:

Q. Had the polls been opened before you got there? A. Yes, sir.

CHARLES G. BENNETT, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you live? A. Wurtsboro, Sullivan county.

Q. Are you town clerk of the town of Mamakating? A. Yes, sir.

Q. You were such at the late election? A. Yes, sir.

Q. Did you receive the ballots from the county clerk's office for the town of Mamakating? A. Yes.

Q. How many districts have you in that town? A. Three districts.

Q. Where are they located? A. No. 1 is at Bloomingburgh; No. 2 at Wurtsboro; 3 at Phillipsport.

Q. You live at Wurtsboro? A. Yes.

Q. Did you send the ballots to the different districts that morning?
A. Yes, sir.

Q. By whom? A. I sent to the first district my son, Charles G. Bennett, Jr., and to Phillipsport by Edgar Stanton; he lives at Wurtsboro; he is a Republican; the second district I took myself.

Q. That is to your polling place? A. Yes, sir.

Q. What is there in reference to the ballots if there was any irregularity in the sample or official ballots? A. Regularly indorsed for district number one, two and three.

Q. Did you send the official ballots that were indorsed district No. 3 to Phillipsport? A. Yes, sir.

Q. Did you send the official ballots marked No. 1 to Bloomingburgh? A. Yes.

Q. And retained the No. 2 in your own district? A. Yes; when my son came back, he said everything was all right, but I made one mistake; I asked him what it was, and he said —

Mr. GARDNER.— That we object to as hearsay evidence.

Mr. O'NEIL.— We will have the son here to fill the gap if necessary.
A. We couldn't both leave at the same time.

Mr. O'NEIL.— They are both telegraph operators.

Mr. DIMMICK.— We withdraw the objection.

Mr. HIRSCHBERG.— The son took the ballots to the first district; the committee understands he came back and reported. We will prove as a fact his report was correct.

The WITNESS.— He said everything was right with the tickets, but I had made one mistake; I asked him what it was. He said those colored sample ballots should have been sent to district No. 3, they were indorsed third district, and I said were the other tickets all right; were the official ballots the ones they were going to vote; he said they were. They looked them over; they first thought they would send them back, but they found everything all right except the sample ballots, and they thought it would make no difference, and they kept it.

Mr. GARDNER.— To all this evidence we object.

Senator ENDRES.— I understood you allowed it to go in.

Mr. HIRSCHBERG.— They regard it as hearsay evidence.

Mr. GARDNER.— Take it for what it is worth.

Q. You did take the three districts and lay them aside, put them in three different packages? A. I will state what I done in the morning; the tickets and sample ballots, poll-list and card of instructions came to me in one large bundle, and I receipted for them, and election morning I undone the bundle, and the official ballots for district No. 1 were tied up by themselves, and district No. 2 were tied up by themselves, and district No. 3 also; the poll-list and sample ballots, etc., were all packed in together, sample ballots had a strap around them so that the ends could be seen; I took the ballots for No. 1 of official ballots, and saw they were all right, indorsed for No. 1, and put them in a pile, and also with No. 2 and No. 3, and I took some cards of instruction and laid them with each pile, and took the sample ballot and laid with each pile, and I undoubtedly made a mistake with the sample ballot and laid them on No. 3 instead of No. 2.

Q. You are sure the official ballots you sent to the third district were indorsed third district? A. Yes.

Q. You heard of no irregularity in the ballots? A. When my boy told me that—

Q. You never heard of it afterward until this contest? A. No, sir.

Q. Did you go to your district No. 2 to investigate? A. Yes.

Q. What did you find? A. I found the official ballots and sample ballots and everything all indorsed for the second district.

Q. All right? A. Yes, sir.

Q. You never heard any report from the third district, anything was irregular? A. Not until recently; I didn't hear anything of it before.

By Mr. HIRSCHBERG:

Q. Where did you get these ballots from? A. The county clerk sent them to me by some man; I forget his name.

Q. Came from the county clerk? A. Yes.

Q. Do you know where they were printed? A. I think he told me they were left in Liberty; I don't know that.

By Mr. O'NEIL:

Q. You have been town clerk how long? A. Thirty years.

By Mr. HIRSCHBERG:

Q. There is only one Assembly district in Sullivan county? A. That is all.

Q. Do you know there was a considerable contest before the board of canvassers in Sullivan county over the election of assemblyman? A. I understood so; I wasn't present.

Q. And especially with reference to your town? A. Yes, sir.

Q. What was the difference? A. One vote.

Q. Either the Democrat or Republican was there elected by one vote? A. Yes.

Q. The votes and ballots of your town were the subject of considerable scrutiny before the board of canvassers for a long while? A. That is what I understood.

Q. Resulted in legal proceedings and appeal to the General Term? A. I understood so.

Q. During all that time was there any claim made there were any ballots wrong in the third district? A. No, sir.

Q. That they were wrongly indorsed? A. No, sir.

Q. Or the first district? A. No, sir.

Cross-examination :

By Mr. GARDNER:

Q. When those ballots came to you did they come sealed with the wrapper around them? A. They were in one large package and tied with heavy cord; I objected to receiving them because I didn't know they were in that package; he wouldn't deliver them to me until I did; so I signed a receipt for them and I found them as stated in the receipt.

Q. Was that the usual way to deliver ballots? A. I couldn't say.

Q. You had an idea at the time that it wasn't, didn't you? A. I don't know that I did.

Q. Why did you object? A. For the reason that the receipt stated I received so many prohibition tickets, a certain number of Democratic, certain number of Labor and certain number of Republicans; I said I didn't know they were in the bundle, that many; I stated a specific number of each.

Q. That was the objection which you had signing the receipt was because you didn't know whether you were signing for the number that was purported to be contained within? A. Yes.

Q. When you opened the package you found four or five different packages, didn't you? A. Found three packages of official tickets.

Q. And two of sample tickets? A. I don't remember how many packages; there were several packages of sample tickets.

Q. Around the packages of these official tickets or ballots was paper? A. Yes; heavy manilla paper.

Q. Wrapped around them was twine? A. Yes, sir.

Q. Did you open those packages? A. I think I did the morning of election.

Q. Did you before you gave them to distribute among these districts? A. I opened the package and saw the ballots was there then I tied them up just the same.

Q. Did you open each package? A. Each package.

Q. Did you count the tickets? A. No, sir; I did not.

Q. How many tickets did you count? A. I didn't count any; I saw they were for the first district, the second district and the third district.

Q. You saw the ones on top were indorsed for the proper district? A. Yes, sir.

Q. You didn't look any further, make any further examination? A. No, sir.

Q. You are not able to state whether the remaining tickets in the package were properly indorsed? A. I couldn't say as to them.

By Mr. O'NEIL:

Q. Only three packages of official ballots; A. Yes.

Q. They were indorsed first district, second district and third district? A. Yes; there were four smaller packages in each package; Prohibitionist, Democratic, Republican and Labor.

Q. Were all the four parties indorsed there? A. Yes, sir.

By Mr. WASHBURN:

Q. Did you look at each one of the tickets for the third district? A. I saw that each of the four smaller packages were indorsed for the first district, second district and third district; I think there was a strip around each package; I am certain there was; the indorsement was plainly visible, and on the strip was marked the number; I saw the number of tickets corresponded with the receipt I signed.

Q. Did you examine each ticket in the package? A. I only examined the top ticket.

By Mr. HIRSCHBERG:

Q. The top Republican ticket was indorsed there? A. Yes, sir.

WILLIAM HANYEN, recalled:

By Mr. O'NEIL:

Q. That ballot you saw indorsed district No. 3 on, was the ballot which you voted? A. Yes, sir.

Q. That was a Republican ballot? A. Yes, sir.

By Mr. GARDNER:

Q. What time of day did you vote? A. Between the hours of 11 and 12.

Q. What is your business? A. Keeping grocery and farming.

Q. Did you take any particular interest in the election that day?

A. I did not, only to go and vote.

Q. How are you able at this late day to state positively the number of indorsement on that ticket? A. I voted the ticket and looking at the back.

Q. When was your attention first drawn to the fact what number there was on the back of the ticket? A. The day I voted.

Q. Who brought your attention to it? A. I brought my attention, the new ballot law.

Q. Did anybody bring your attention to it that day? A. No, sir.

Q. When was your attention first brought to it since election day? A. This here contest.

Q. Who brought your attention to it? A. They begun the contest, brought my attention to it.

Q. Who was the person asked you if you remembered it or not? A. Nobody.

Q. Your attention has not been drawn to the fact since election day until within a few days? A. That is all.

Q. You can state positively now the indorsement on that district was what? A. Third district.

Q. What district were you voting in? A. Third district.

By Mr. HIRSCHBERG:

Q. It was a new law? A. Yes, sir.

Q. Did you notice it particularly on that account? A. Yes, sir.

Q. Different kind of ballots from any you had ever seen before A. Yes.

By Mr. GARDNER:

Q. You had voted the election before then? A. Yes, sir.

Q. Weren't there the same kind of ballots as to indorsement; then it isn't true that is the first time you voted that ballot?

Mr. O'NEIL.—He said it was a new law.

By Mr. WASHBURN:

Q. Did you vote last spring at town meeting? A. Yes.

Q. How was your ticket indorsed on that election, the same? A. Yes, sir.

By Mr. O'NEIL:

Q. Is it the fact the year before they used the unofficial ballots there do you know? A. No, sir.

Q. Did you have any discussion with Mr. Erwin there that day that called your attention specially to the number of the ballots? A. I merely spoke to him as I walked through.

ELMER PITTS, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you live? A. Bloomingburgh, town of Mamakating, Sullivan county.

Q. What district? A. First district.

Q. Were you at the polls on last election day? A. I was.

Q. What were your duties there? A. Poll clerk.

Q. Do you remember when the ballots were brought over by young Mr. Bennett as testified to by his father? A. I do.

Q. What time did he get there in the morning? A. I think nearly 8 o'clock; shortly before the polls opened.

Q. Who was present when he came there? A. The inspectors; Hornbeck, Republican; Mr. Hulslander, Republican; Beeker, Democratic; Charles A. Norbury, ballot clerk, Democrat, and Alfred L. Clarke, the Republican ballot clerk, and myself and Mr. Billings, I think was the other poll clerk.

Q. What was discovered with reference to the ballots when young Bennett brought them there? A. They went to open the ballots and I think the official ballots were all done up in a large paper making quite a bundle; I think they were all done up in fact in one large paper and when the large paper was open there were three smaller papers in there and they opened one of those and they found that that was for the third district; they were red, the sample ballots so called, I think some of them was sort of a yellowish cast; we opened two or three of those packages; some said, "That is a pretty fix; we won't have any ballots here to-day; it will take at least two hours to have these ballots changed;" some one said "we had better look at the other packages;" so they took the other packages out and looked at the official ballots, the whole of them; they were done up in four packages with a piece of paper around each package, said to be 600 in a package, and the ballot clerk signed a receipt.

Q. Did you and Mr. Norbury inspect these ballots to see whether they were official ballots? A. Yes.

Q. Did you find them the official ballots of the first district. A. Yes.

Q. So indorsed? A. So indorsed.

Q. For all the parties? A. Yes, sir.

Q. Were there any unofficial ballots used there, or any ballots that were not indorsed for that district? A. No, sir.

Q. The only irregularity or mistake was that the sample ballot from the third district had been put in with the official ballots and sent to that district? A. They were in separate packages.

Q. They had been sent to that district. A. Yes, sir.

Q. That is all there was? A. Yes.

Q. You had the third district sample ballots? A. Yes.

Q. You had no official ballots from the third district. A. No, sir.

Q. You and Mr. Norbury, the Democrat, made a fair and thorough investigation to see whether your ballots were regular? A. Yes.

Q. You found them regular and regularly indorsed in your district? A. Yes, sir.

Q. There was a very rigid and critical contest made in your district? A. Yes, sir.

Q. With reference to the Member of Assembly? A. Yes sir.

Q. There was found in that district or that town one disputed ballot in the whole town? A. I don't think the ballot was disputed at all.

Q. Whether it was counted or not? A. It was only disputed as to how it should be counted.

Q. That was in reference to only one ballot? A. Only one man on the ballot.

Q. Was there ever any question raised as to the regularity of any votes or ballots in the third district, first district and second district of your town to your knowledge, except here at the last hearing? A. I never heard of any.

Q. Was there any charge made that the official ballots for the third district were irregular? A. I never heard any.

Q. You know your official ballots were all right? A. Oh, yes; I am quite satisfied of that.

Cross-examination :

By Mr. GARDNER :

Q. There may have been a hundred charges and you not know it? A. Yes.

By Mr. O'NEIL :

Q. Could there have been charges of fraud and irregularity in your town? A. There might have been charges and I not hear of it.

Q. I am speaking of public charges in the board of canvassers or before any party there? A. I would have heard of that.

Q. The Democratic State committee had legal representatives at the board of canvassers? A. I heard so.

Q. What is your business? A. I am justice of the peace.

Q. Have been for a number of years? Yes, sir; Mr. Norbury and myself took the ballots in this shape and looked them over, each package, to see if they were properly indorsed after this question of the sample ballots came up.

Q. Mr. Norbury is an active Democratic worker? A. Yes.

Q. And ex-supervisor? Yes, sir.

Q. An intelligent, smart man? A. Yes; rather above the average

AMOS VAN ETTEN, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you live? A. Port Jervis.

Q. You are an attorney and counselor-at-law? A. Yes.

Q. Did you vote there at the last election? A. I did.

Q. Were you around the polls a great deal? A. I was at the polls of three districts.

Q. What three? A. Sixth, seventh and eighth.

Q. Were you around the polls where it is alleged Charles St. John was working? A. Yes, he votes in my district; I was there several times during the day; it was on my way back and forth and I was around the polls.

Q. Did you see Boner there that day? A. He is in the other district; the eighth district; I was over at that polling-place about noon.

Q. How long were you there? A. Perhaps half an hour.

Q. During the noon hour? A. Yes, I think it was.

Q. Saw nothing of Mr. Boner there at all? A. I did not.

Q. State whether or not the election, so far as you discovered, was carried on regularly and orderly? A. It was, I might say, the first fair election, I thought, in those three districts that I had seen in a long time.

Q. Anybody approach a voter and attempt to buy him? A. I did not.

Q. Did you see St. John? A. Yes.

Q. See him buying votes? A. No, sir.

Q. Soliciting votes? A. When I was talking with him in the morning he was in his printing office.

Q. You were around where he votes and where he works generally? A. Yes, sir.

Q. If he had been doing anything irregular you would have seen

it and noticed it? A. Possibly; possibly might have been something done I didn't see.

By Mr. WASHBURN:

Q. You say this came nearer to being a fair election than anything that had been held there in a long time? A. Yes.

Q. How was the majority? A. I think the town of Deer Park was 275 to 300 Democratic; and I think Flower had 260 about; Lamont had about 280.

Q. What did Richardson have there two years ago last fall? A. I think Richardson carried the town two years ago by quite a majority.

THEODORE WEISS, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you live? A. Port Jervis.

Q. What is your business? A. I am now on the road as a salesman.

Q. What was your business during last election? A. Saloon keeper at Port Jervis, in the ninth district on Jersey avenue.

Q. That is where it was alleged some votes were bought by St. John? A. So I read in the papers.

Q. Do you know Charles St. John? A. Yes.

Q. Do you know O. P. Howell? A. Yes, sir.

Q. Did either St. John or Howell buy any votes in your place that day? A. Mr. St. John wasn't there at all.

Q. Was Mr. Howell there? A. He was there for a second; came in to buy a cigar and walked out.

Q. No votes bought there by any person? No, sir.

Q. You bought no votes? A. No, sir.

Q. You didn't work that day, did you? A. No, sir; I was tending bar.

That is all.

Mr. GARDNER.—No questions.

By Senator ENDRES:

Q. Anything said in your place about buying votes? A. No, sir.

Q. No one spoken to about paying any money for the purchase of votes? A. No, sir.

By Mr. WASHBURN:

Q. What did you mean by saying that you didn't work that day?

A. I was tending bar.

Q. You were not to the polls? A. I was once or twice; I walked around.

By Mr. HIRSCHBERG:

Q. There is a charge here that you bought a man named Dotter? A. I did not.

Q. You know such a man? A. I do.

Q. That you paid him two dollars and gave him a paster and told him to go and vote? A. I did not; he came in the morning early a little under the weather.

Q. Under the influence of drink? A. Yes; and he asked me whether I wouldn't be kind enough to lend him a dollar which I had often done; he has always paid me; and I gave him a dollar which he has not paid me, and he is discharged from the road and I don't expect to get it.

Q. You didn't give him a paster? A. No, sir.

By Mr. O'NEIL:

Q. You saw no one else buying votes? A. No, sir.

By Mr. GARDNER:

Q. Was there a complaint made against you for buying votes? A. Yes; he wanted to see me in the justice's office, and I went there and nobody appeared against me and I was discharged.

Q. On whose complaint? A. Hank Dotter.

Q. You occasionally work around the polls for the Republican party up there? A. I am a Democrat.

By Mr. O'NEIL:

Q. Dotter was drunk when he made the charge against you? A. Yes.

Q. When he became sober did he retract what he said? A. Yes; and wouldn't appear; they tried hard to get him to appear, but he wouldn't do it; he said he was sorry; he was drunk and didn't know what he was doing.

Q. You voted the Democratic ticket? A. I voted a split ticket last time.

Q. You generally vote a Democratic ticket? A. Always.

By Senator ENDRES:

Q. You saw Dotter in your place election morning? A. Yes; he was there three or four times drinking; he was there in the morning, and at noon, and in the afternoon.

Q. When did he ask you for this dollar? A. In the forenoon.

Q. The first time he was there or second time? A. I think the second time.

Q. Did you give him the dollar? A. I loaned it to him.

Q. Did you tell him it was a loan? A. Yes, sir.

Q. What did he say in reply to that? A. He said as soon as he drew his pay he would give it back.

Q. Did he tell you he had voted? A. I didn't ask him.

Q. You said nothing to him about going to vote and give him a paster ballot? A. I did not.

Q. Nothing at all said about voting? A. Nothing said about voting.

Q. That this was to be for his vote? A. No.

Q. How long before election day did you loan him the money? A. I should judge it was about three weeks previous.

Q. Had he paid you that back? A. Yes.

Q. He has not paid you this? A. He hasn't got anything now to do; he ain't working.

Q. You swear you purchased no voters there? A. No, sir; I have not.

By Mr. O'NEIL:

Q. Can't pay because he has been discharged and lost his job? A. Yes, sir.

Q. You expect him to pay you some day? A. If he is lucky.

Mr. O'NEIL.—I think that winds up our testimony for to-night.

Senator ENDRES.—How much more testimony do you expect to have? I ask this at the suggestion of the chairman to-day, who was called away, so he could regulate the next session of the committee, as we have the next week, the entire week, devoted to the Collins-Derby case; Monday, Tuesday, Wednesday and Thursday, three evenings, and Monday all day.

Mr. O'NEIL.—So far as I am concerned, I think we could finish up with one hearing of three or four hours with that part; that is, answering the charges alleged on the other side.

Mr. HIRSCHBERG.—I think with our end of the county a good long session a day, we could get along with the witnesses there. They have given us a list of the election returns which they claim are irregular. If we have got to bring inspectors from all those districts to show how these trifling irregularities occurs, it will take a great many men on our side. We are having prepared by the county clerk an equally formidable list of irregularities of a kindred character in the other districts which gave a Democratic majority. It is the same in every return I have no doubt.

Mr. WASHBURN.—We have examined every return.

Mr. HIRSCHBERG.—I have no doubt the democratic inspectors made the same mistakes.

Senator ENDRES.—Can't you agree among yourselves when you will have the next session? It can't possibly be the next week.

Mr. HIRSCHBERG.—When can you give us the following week?

Senator ENDRES.—I think Tuesday night.

Mr. COUNTRYMAN.—I suggest you had better adjourn it until a week from Tuesday.

Senator ENDRES.—It is the determination of the committee to dispose of these cases and get through with them as soon as possible because within a few weeks the evening sessions of the legislature of both houses will begin and we will have very little opportunity to take up and continue these cases without neglecting some of our official duties outside of this.

Mr. GARDNER.—We understood at the last session the chairman of the committee, Senator Roesch, to say to these gentlemen representing the sitting member, who at that time strongly insisted upon a postponement to this late day, that they must be prepared to go on to-day and this evening, and also to go on to-morrow evening. Counsel disagreed on that proposition. I only wish to bring the attention of the committee to this from one salient fact as bearing on the question as to when the next hearing for this investigation will be had. We have had one postponement at their instigation. That was last Friday evening. They then said they were not prepared to go on with their evidence, notwithstanding that the committee on the prior session had said to them that they must be prepared to go on Friday evening last, in view of the fact that the contestant had notified the committee we would close our case on Friday afternoon. After having closed our case and got through with it, then the sitting member applied for a postponement, saying that he did not wish to go on then. The committee said there had been one appointment in which they had been disappointed, not only that, but was occasioning delay in this investigation. It was set down for this evening. The evidence they have given thus far we are prepared to admit, with the exception of two or three witnesses, the very fact we have sworn to as it is a part of our case. That fact is a very salient fact for the committee to take into consideration, as bearing upon the question that this application for delay is not made in the very best of faith as to their intentions; the intention which they expressed of producing evidence here in the future. We insist that if the committee can give us a hearing on either to-morrow night or

Saturday, in Newburgh, that there will be no possible reason why they can not close this case up.

Senator ENDRES.—They could not subpoena the witnesses in time.

Mr. GARDNER.—I only bring these facts to the attention of the committee if it is desired to close it up.

Senator ENDRES.—It will expedite the case.

Mr. GARDNER.—The witnesses can be subpoenaed for Saturday. I am assuming the committee can conveniently sit on Saturday.

Senator ENDRES.—I do not think we can this week. It is the intention of this committee, and we decided upon that, and very deliberately, when Judge Hirschberg asked for a postponement, that we wanted to get through with all these cases, and we insisted they go on to-night, and that was last Friday afternoon. I can give you the assurance that this committee will force the sitting member to produce his witnesses as fast as they can be produced.

Mr. COUNTRYMAN.—It took them a month and a half to get out their case.

Senator ENDRES.—They have had a great many witnesses here. Their testimony was very short.

Mr. GARDNER.—With the exception of three or four, they have all sworn to nothing but what we would admit. That is the kind of evidence they are applying here for delay.

Senator ENDRES.—The committee will set down this hearing a week from next Tuesday evening, and if there is any chance to give you a hearing before that time, the committee will notify you.

The following is a certified copy of the proceedings of the board of county canvassers of Orange county, as referred to heretofore in the testimony.

The board of county canvassers of the county of Orange, having met at the office of the clerk of said county on the tenth day of November, at 12 o'clock noon, on calling the roll the following answered:

Thomas C. Brewster, supervisor	Bloomington.
Nicholas Demerest, supervisor	Chester.
Charles Ketcham, supervisor	Cornwall.
Samuel D. Roberson, supervisor	Crawford.
Aaron V. D. Wallace, supervisor	Goshen.
George A. Durland, supervisor	Greenville.
Stephen I. Webb, supervisor	Hamptonburgh.
Louis F. Goodsell, supervisor	Highlands.
C. Fred Lamont, supervisor	Monroe.
Richard S. Tuthill, supervisor	Minisink.
Dwight W. Berry, supervisor	First ward, Middletown.

Charles J. Boyd, supervisor	Second ward, Middletown.
Charles L. Elwood, supervisor	Fourth ward, Middletown.
Irving H. Loughran, supervisor	Montgomery.
Oliver Lozier, supervisor	Newburgh.
John M. Wilson, supervisor	First ward, Newburgh city.
Charles L. Brown, supervisor	Second ward, Newburgh city.
John C. Adams, supervisor	Third ward, Newburgh city.
Hugh McKissock, supervisor	Fourth ward, Newburgh city.
Joseph K. Alexander, supervisor	New Windsor.
J. Spencer Ford, supervisor	Tuxedo.
Adam W. Beakes, supervisor	Wallkill.
George W. Sayer, supervisor	Warwick.
William H. Wood, supervisor	Wawayanda.
John A. Patterson, supervisor	Woodbury.

On motion of R. S. Tuthill, Samuel D. Roberson was chosen chairman.

The constitutional oath was then administered by the clerk to the chairman.

The chairman then administered the constitutional oath to the members of the board.

The returns filed with the clerk of the county were then presented to the board.

The board then adjourned to meet at the rooms of the board of supervisors at 1.30 o'clock p. m.

The board met pursuant to adjournment, all the members being present except Messrs. Adams, Hawkins, Tuthill and Wallace.

It was moved and carried that a committee be appointed to examine the returns, Mr. Vaninwegen and Mr. Iseman appeared and were duly sworn.

The chair appointed as a committee to examine the returns Messrs. Van Inwegen, Boyd, Ketchum, Brown, Webb, Patterson, Wood and Loughran.

Mr. C. F. Van Inwegen appeared with certain returns in which the number of ballots attached did not agree with the number of votes cast, and moved that they be canvassed.

Mr. Lamont moved that the question of their regularity be submitted to a committee of two, to whom were to take legal advice, and protested against the returns being canvassed. Which motion was lost by the following vote:

Ayes.—Messrs. Berry, Demarest, Elwood, Lamont and Lozier.

Noes.—Messrs. Alexander, Beakes, Boyd, Brewster, Brown, Durland,

Ford, Goodsell, Iseman, Ketcham, Loughran, McKissock, Patterson, Van Inwegen, Webb, Wilson and Wood.

Absent and not voting.—Messrs. Adams, Hawkins, Sayer, Tuthill and Wallace.

Mr. Sayer moved that all returns not regular be returned to the inspectors of election of the respective districts to which they belonged. Which motion was carried by the following vote:

Ayes.—Messrs. Beakes, Berry, Demarest, Elwood, Ketcham, Lamont, Lozier, McKissock, Patterson, Sayer, Van Inwegen, Webb, Wilson and Wood.

Noes.—Messrs. Boyd, Brown, Durland, Ford, Goodsell, Iseman and Loughran.

Absent and not voting.—Messrs. Adams, Brewster, Hawkins and Tuthill.

The following returns were received and ordered canvassed: Greenville; Chester, first; Chester, second; Newburgh, third district, third ward; Cornwall, second, third and fourth, Warwick; Montgomery, first; Bloomingrove, second; Goshen, first; Warwick, second; Chester, third; Warwick, third; first and second, Highlands; Crawford, first; Wallkill, second; Wawayanda, first; Minisink; Tuxedo; Deerpark, second; Deerpark, third; first district, second ward, Middletown; fourth district, town of Newburgh; second district, town of Newburgh; third district, second ward, Newburgh; Deerpark, fifth; second district, second ward, Middletown; Deerpark, fourth; Deerpark, seventh; Deerpark, sixth; Monroe, first; first, second and third districts, first ward, Middletown; Deerpark, ninth; Cornwall, third; Montgomery, fourth; Montgomery, second; third district, fourth ward, Middletown.

Board adjourned until to-morrow at 11 o'clock.

November 11, 1891.

Board met. All present except Messrs. Adams, Brewster, Brown, Lamont, McKissock, Sayer, Tuthill and Wilson.

Mr. Hawkins appeared and was sworn.

Mr. Van Inwegen moved that the vote for Thomas Merritt, superintendent of poor of first district, Wallkill, be canvassed at 106. Carried.

Mr. Lamont protested against canvassing returns in which the number of ballots attached to return did not agree with the vote.

Moved by Mr. Vaninwegen, that the board proceed to canvass from returns presented by supervisor to board of canvassers. Carried.

Mr. Vaninwegen moved that the preceding resolution be reconsidered. Carried.

Mr. Wood moved that the board proceed to canvass votes from returns in their hands. Carried.

Recess until 1 o'clock.

One P. M., roll called.

All present except Adams, Boyd, Demarest, Durland, Elwood, Loughran, Tuthill, Vaninwegen, Wood.

Mr. Sayer moved that the returns from the third district, Cornwall, be returned for correction. Carried.

The following returns were reported correct and ordered canvassed: Wallkill, first; seventh district, first ward, Newburgh; first district, first ward, Newburgh; fifth district, first ward, Newburgh; first district, fourth ward, Newburgh; third district, Wallkill.

Recess for fifteen minutes.

The board came to order.

The returns from the sixth district of the second ward of Newburgh; second district, fourth ward of Newburgh; third district, Montgomery, and second district of Wawayanda, reported correct and ordered canvassed. The third district of Goshen reported that the ballots did not agree with the number of votes. Statement laid on the table.

District No. 1, Goshen, statement did not agree as to ballots attached with the number of votes, but the statement filed with the county clerk was correct. Ordered canvassed.

District No. 4, Goshen, was returned for correction. District No. 2, Goshen, statement of ballots defective returned for correction.

Statement for the District No. 2, fourth ward of Middletown, returned for correction.

District No. 6 for the first ward of the city of Newburgh was reported correct except one ballot attached, and was ordered canvassed.

District No. 1, Warwick, ordered canvassed.

District No. 3 of the town of New Windsor reported correct except that no ballots were attached, but the returns in the clerks office were correct.

Moved that it be returned for correction, and motion lost by the following vote: Ayes.—Alexander, Beakes, Berry, Boyd, Brewster, Brown, Durland, Ford, Iseman, Loughhran, Patterson, Wilson. Noes.—Hawkins, Ketcham, Lamont, Lozier, McKissock, Sayer, Vaninwegen, Webb and Wood.

Moved, that the return be canvassed, and carried by the following vote: Ayes — Alexander, Beakes, Berry, Boyd, Brewster, Brown, Durland, Ford, Iseman, Loughran, Patterson, Wilson. Noes. — Elwood, Hawkins, Ketcham, Lamont, Lozier, McKissock, Sayer, Vaninwegen, Webb and Wood.

The returns from third district Bloomingrove were found incorrect and were ordered to be returned by the following vote: Ayes. — Demarest, Durland, Elwood, Ford, Hawkins, Ketcham, Lamont, Lozier, McKissock, Sayer, Vaninwegen, Wallace. Noes. — Alexander, Beakes, Berry, Brewster, Brown, Iseman, Loughran, Patterson, Wilson.

Bloomingrove, No. 1, order to be canvassed by the following vote: Ayes. — Alexander, Beakes, Berry, Boyd, Brewster, Brown, Durland, Ford, Iseman, Hawkins, Loughran, Patterson, Vaninwegen, Wilson. Noes. — Demarest, Elwood, Ketcham, Lamont, Lozier, McKissock, Sayer, Wallace and Wood.

Eighth district of the town of Deerpark reported correct, except in the ballots attached, and was ordered canvass by the following vote: Ayes. — Beakes, Berry, Boyd, Brewster, Brown, Durland, Ford, Hawkins, Iseman, Loughran, McKissock, Patterson, Wilson. Noes. — Demarest, Elwood, Ketcham, Lamont, Lozier, Sayer, Webb and Wood.

The returns from the town of Hamptonburgh, being found incorrect, were ordered returned.

District No. 1, of the third ward of Middletown, being found incorrect, were returned for correction.

District No. 10, of the town of Deerpark, was reported, statement of ballots less than votes, was ordered canvassed by the following vote: Ayes. — Alexander, Beakes, Berry, Boyd, Brewster, Brown, Durland, Ford, Hawkins, Iseman, Loughran, McKissock, Patterson, Wilson. Noes. — Demarest, Elwood, Ketcham, Lamont, Lozier, Sayer.

The returns from the second district of the fourth ward of Newburgh were reported, ballots do not agree with votes. It was moved that they be returned, which was lost by the following vote: Ayes. — Demarest, Elwood, Hawkins, Ketcham, Lamont, Lozier, Sayer, Vaninwegen, Webb, Wood. Noes. — Beakes, Berry, Brewster, Brown, Durland, Ford, Iseman, Loughran, McKissock, Patterson, Wilson.

It was then moved that the same be canvassed, which was carried by the following vote: Ayes. — Alexander, Beakes, Berry, Boyd, Brewster, Brown, Durland, Ford, Iseman, Loughran, McKissock, Patterson, Wilson. Noes. — Demarest, Durland, Hawkins, Ketcham, Lamont, Lozier, Sayer, Vaninwegen, Webb, Wood.

The first district of the fourth ward of the city of Middletown was reported more votes than ballots and was ordered canvassed by the following votes: Ayes.—Alexander, Beakes, Berry, Boyd, Brewster, Brown, Elwood, Ford, Iseman, McKissock, Patterson, Sayer, Wilson. Noes.—Demarest, Durland, Ketcham, Lamont, Loughran, Wilson. The returns from the town of Woodbury were returned for correction.

First district of the town of Newburgh returned for correction.

Fourth district of the fourth ward of the city of Newburgh returned for correction.

District No. 3 of the town of Newburgh returned for correction.

Third district of the first ward of the city of Newburgh returned for correction.

First district of the third ward returned for correction.

Fifth district of the second ward of the city of Newburgh returned for correction.

District No. 4 of the first ward of the city of Newburgh was reported correct except as to the ballots attached. It was ordered canvassed by the following vote: Ayes.—Alexander, Beakes, Berry, Boyd, Brewster, Brown, Ford, Iseman, Loughran, McKissock, Patterson, Vaninwegen, Wilson. Noes.—Demarest, Elwood, Hawkins, Ketcham, Lamont, Lozier, Sayer, Wallace, Webb, Wood.

District No. 2 of the third ward of the city of Newburgh was reported, statement of ballots less than votes. Ordered canvassed by the following vote: Ayes.—Beakes, Berry, Boyd, Brewster, Brown, Durland, Ford, Iseman, Loughran, Patterson, Vaninwegen, Wilson. Noes.—Demarest, Elwood, Hawkins, Ketcham, Lozier, McKissock, Sayer, Webb, Wood.

Fourth district of the fourth ward of the city of Newburgh ordered canvassed. New Windsor No. 2 ordered canvassed. Third district of the fourth ward in the city of Middletown reported correct and ordered canvassed.

One district in the third ward, Middletown, returned for correction. Bloominggrove third, returned for correction.

First district of the fourth ward, Middletown, returned for correction.

First district of the second ward, Newburgh, reported correct and ordered canvassed.

Second district of the town of Crawford, reported correct and ordered canvassed.

First district of the town of Cornwall, received.

First district of the third ward of the city of Middletown, returned for correction.

The tenth district of the town of Deepark, reported correct and ordered canvassed.

The third district of the town of Newburgh, returned for correction.

The returns from the town of Mount Hope were returned for correction.

Mr. Lamont renewed his protest against canvassing returns in which the ballots attached did not agree with the votes cast.

District No. 2 of the third ward of the city of Middletown, was reported correct and ordered caavassed.

The returns of the fourth district of the fourth ward of Newburgh were returned.

Reports from the second district of the the town of New Windsor received.

Returns from sixth district of the second ward of Newburgh returned.

Monroe second, returned for correction.

Adjourned until to-morrow at 2 P. M. o'clock.

THURSDAY, *November 12, 1891.*

At 2 P. M. roll called; all present but Adams, Alexander, Berry, Ford, Iseman, Loughran, Lozier, McKissock, Webb, Durland.

The committee on return presented several returns and it was moved that they be passed on separately. Carried.

The returns of the town of Woodbury were taken up, Mr. Goodsell moved that the returns of the town of Woodbury be canvassed.

Mr. Lamont moved as an amendment that they be rejected and entered protest, Mr. Sayer for himself and Mr. Elwood for Mr. George T. Walker, and Mr. Wood on behalf of Mr. Comfort, also protested against canvassing the vote. The motion of Mr. Lamont was lost by the following vote: Noes.—Alexander, Beakes, Boyd, Brewster, Brown, Goodsell, Hawkins, Ketcham, Patterson, Tuthill, Webb, Wilson. Ayes.—Demarest, Durland, Elwood, Lamont, Sayer, Vaninwegen, Wallace, Wood.

Mr. Ketcham moved that the returns from the town of Woodbury be laid on the table. Carried.

The returns from district No. 3, of the first ward of Newburgh, were presented to the board and were ordered to be returned for correction, which motion was lost by the following vote: Noes.—Alexander, Beakes, Boyd, Brewster, Brown, Durland, Goodsell, Hawkins, Patterson, Wilson. Ayes.—Demarest, Elwood, Ketcham, Lamont, Sayer, Tuthill, Vaninwegen, Webb, Wood.

After some discussion the supervisor of the ward stated that he would return with the statement for correction.

It was moved and carried that the return be sent back.

The returns from the second district, of the fourth ward of the city of Middletown, were returned to the board and on motion of Mr. Goodsell were ordered to be canvassed by the following vote: Ayes.—Alexander, Beakes, Boyd, Brewster, Brown, Durland, Elwood, Goodsell, Hawkins, Ketcham, Patterson, Tuthill, Vaninwegen, Wallace, Webb, Wilson. Noes.—Demarest.

Fourth district, of the town of Goshen, was presented to the board.

Mr. Lamont moved that it be rejected.

Mr. Goodsell moved, as an amendment, that it be laid on the table. Carried.

Third district, of the town of Goshen, was presented.

Moved that it be sent back for correction. Carried.

Bloomington, third district, was presented.

Mr. Lamont moved that it be returned for correction.

Mr. Goodsell, moved, as an amendment, that it be canvassed, which was lost, by the following vote: Ayes.—Alexander, Beakes, Boyd, Brewster, Brown, Demarest, Goodsell. Noes.—Durland, Elwood, Hawkins, Ketcham, Lamont, Sayer, Tuthill, Vaninwegen, Webb, Wood.

Mr. Lamont, Mr. Elwood, Mr. Sayer, Mr. Wood again entered protest against the canvassing of the returns of said district.

It was then on motion carried that the statement be returned.

Sixth district, of the second ward of Newburgh, was again returned for correction.

The returns from the third district, of the first ward of Newburgh, were then presented.

Moved that they be returned for correction. Motion lost.

The motion was then reconsidered and the returns were then sent back for correction.

The third district, of the town of Cornwall, was then presented, and were returned for correction by the following vote: Ayes.—Alexander, Beakes, Brewster, Brown, Elwood, Goodsell, Lamont, Patterson, Sayer, Wallace, Webb, Wilson, Wood. No opposition.

Mr. Goodsell moved that the returns from the town of Woodbury be taken from the table.

Mr. Lamont raised the point of order that the returns were laid on the table until full meeting of the board, and the chair so decided.

Board adjourned until to-morrow at 11 o'clock.

At an adjourned meeting of the board of canvassers of the county of Orange, held at the supervisor's room, in the village of Goshen, in the county of Orange, on the 13th day of November, 1891.

The meeting was called to order by Chairman Roberson.

The roll was called by Clerk Elliott, and all the supervisors answered to their names, except Ford, Loughran, Ketcham and Vaninwegen.

The chair stated that if there were any returns that were sent back for correction, they should be handed to the committee. So done.

On motion of Mr. Lamont, an adjournment was taken till 1.30 P. M.

Board met pursuant to adjournment, and was called to order by the Chairman.

On the roll being called by the clerk, all answered to their names. All the members of the board were present, except Mr. Ford.

Mr. ELWOOD.—I move that the action taken previously by the board of canvassers, in regard to the second district of the third ward of the city of Newburgh, the first and second districts of the second ward, the second district of the first ward, the fifth district of the first ward, and the seventh district of the first ward, be reconsidered.

Carried by the following vote: Ayes.—Demarest, Durland, Elwood, Ketcham, Lamont, Lozier, McKissock, Sayer, Tuthill, Vaninwegen, Wallace, Webb, Wood, and the Chair; fourteen ayes. Noes.—Adams, Alexander, Beakes, Berry, Boyd, Brewster, Brown, Goodsell, Hawkins, Iseman, Loughran, Patterson and Wilson; thirteen noes.

Mr. Ford absent.

Mr. Adams then offered the following resolution:

I move that all districts that have been canvassed, that cast a Democratic majority, be reconsidered.

Carried by the following vote: Ayes.—Adams, Alexander, Beakes, Berry, Boyd, Brewster, Brown, Goodsell, Iseman, Hawkins, Loughran, Patterson, Tuthill, Wilson, fourteen ayes. Noes.—Demarest, Durland, Elwood, Ketcham, Lamont, Lozier, McKissock, Sayer, Vaninwegen, Wallace, Webb, Wood and the Chair, twelve votes.

Mr. Ford absent.

Mr. Ketcham offered the following resolution:

I move that all other Republican districts that have not been reconsidered, be reconsidered also.

Carried by the following vote, twenty-five ayes, one no: Ayes.—Adams, Alexander, Beakes, Berry, Boyd, Brewster, Brown, Demarest, Durland, Ellwood, Goodsell, Hawkins, Iseman, Ketcham, Lamont,

Loughran, Lozier, McKissock, Patterson, Sayer, Tuthill, Wallace, Webb, Wilson, Wood and the Chair, twenty-five ayes. Noes.—Van-inwegen, one. Mr. Ford absent.

Mr. Adams offered the following resolution:

I move that the committee of the board of canvassers do now proceed to canvass the votes of Orange county.

Mr. Lamont made the following amendment:

I move as an amendment that the Chair appoint a committee of four, two from each party here in the house, to receive such evidence as may be submitted to them concerning the irregularities of the returns from the city of Newburgh.

Mr. Adams raised the point of order that neither the committee nor the board of canvassers had any right to go into such investigation, and requested the Chair to decide thereupon; the Chair decided against Mr. Adams. Mr. Lamont then withdrew his amendment, and the original motion of Mr. Adams was put and carried unanimously.

Mr. Adams then moved that a recess be taken till 3.30 p. m. Lost.

Mr. Wood asks that he be permitted to resign as a member of the canvass committee; there being no objection his resignation was accepted and the Chair appointed Mr. Durland in his place.

Mr. Adams desired that the members of the canvass committee and the board of canvassers be called together for a few moments to see if they could not get out of this difficulty; that he had a proposition to state which would settle the whole matter.

There being no objection it was so ordered.

Mr. Adams then addressed the board at length in reference to his proposition.

The committee of canvassers here passed up to the Chair some returns that had been reconsidered by them, and the Chair read as follows:

First ward, city of Newburgh, "writing on ballots defective, not on statement and ticket, but ticket only."

MR. LAMONT.—In consequence of an agreement between Mr. Adams and myself, I move that these affidavits be read and placed on file.

Carried; no objection. The affidavits were then read by the clerk, and are as follows:

ORANGE COUNTY, ss.:

SAMUEL E. DIMMICK, being duly sworn, says: That he resides in the city of Newburgh, Orange county, aforesaid, and was an elector of said city at the last election held there; that he is informed and believes the same to be true that at said election there was gross

irregularities committed by the inspectors of election, as well as by the voters.

Deponent further says that he charges that in the second district in the third ward after the polls had been opened and ballots had been received and deposited in the box provided for that purpose and before the polls had been closed, the inspectors of said district opened said box and removed ballots therefrom; that deponent's source of information is derived from a conversation with Stanley Wood, one of the Republican inspectors of said poll; deponent further says that in the seventh district of the first ward, while said board was sitting as a board of registry, the Democratic inspector was absent two days of registration, and no one was appointed in his place or stead, and that during his absence persons were registered who were not entitled to register, and that upon said election day said persons voted; that said district includes the alms-house of the city and town of Newburgh, and that almost every inmate of said alms-house, irrespective of where his residence was, voted at said election at said poll; that at said election the inspectors allowed the official ballots to be taken by the voter outside of the guard-rail and exhibited to party watchers before voting; that the truth of the above charges can be proven by the testimony of Frank Dickson, Democratic inspector, Fred Herman, Republican worker, or any other elector who was around said poll on election day.

Deponent further says that at the second district of the first ward, at one of the registration days, the Democratic inspector was absent, and no one was appointed in his place; that during his absence persons not entitled to register were allowed to do so without personally appearing before said board of registry, that the above charges can be proven by the Republican inspectors of said district, and Roundsman Hanner of the police force of the city of Newburgh.

Deponent further says that in the first and second districts of the second ward and in the fifth district of the first ward, and in several other districts in said city of Newburgh, persons other than inspectors of election were allowed to count the ballots cast at the last election and exercise the duties of inspectors.

Deponent further says that in almost every district in said city after the votes were canvassed they burned the ballots contrary to the law.

S. E. DIMMICK.

Sworn to before me this 13th }
day of November, 1891. }

JUDSON A. HOAR,

Notary Public, Orange County.

ORANGE COUNTY, SS.:

G. C. F. Deisseroth, being duly sworn, says that he resides in the fifth district of the first ward of the city of Newburgh, in Orange county and state of New York. That he was present and voted at the poll held in said district on the third day of November, last; that the board of inspectors at said poll was composed of William White and Eugene Farrington, Republican, and John McQuistan, Democrat; that after the vote had been cast at said poll and the same was commenced to be counted, the said John McQuistan passed the ballots to one James Taylor, who resides in the town of Newburgh, to count the same and the said James Taylor did take said ballots handed to him by said McQuistan and counted the same.

Deponent further says, that he did not see the said McQuistan count any ballots and does not believe that he counted any from the condition he was in.

G. C. F. DEISSEROTH.

Sworn to before me this 12th }
day of November, 1891. }

JAMES G. DUNPHY,

Notary Public Orange County.

Mr. Adams moved that the vote be canvassed.

Messrs. Lamont, Elwood and Sayer protest, basing their protest upon the affidavits read.

Motion to canvass carried.

First ward of the city of Newburgh, election district No. 2, reported correct except the coroner's vote should be doubled and one vote short.

Motion made that it be canvassed; carried; same protest.

First ward, city of Newburgh, election district No. 4, ballots do not account for full number of votes.

Motion made that it be canvassed; carried; same protest.

First ward, city of Newburgh, election district No. 5, reported all right.

Motion made that it be canvassed; carried.

First ward, of the city of Newburgh, election district No. 6, reported correct except the number of ballots lacked one ballot.

Motion made that it be canvassed; carried; Lamont protests.

First ward, city of Newburgh, election district No. 7, reported correct, except the word blank is put on several times and also the statement the ballots do not appear both on the ballots and the sheet to which it is attached.

It is partly on the ballot and partly on the paper.

Mr. Adams moved that it be canvassed; Mr. Sayer and Lamont protest; Mr. Adams then moved that the supervisor be required to take it back to the inspectors and have it corrected; carried.

First ward, city of Newburgh, the first one acted upon this afternoon, that was reconsidered this afternoon.

First ward, district No. 1, was taken up again and motion made to reconsider it; carried.

Mr. Adams moved that it be handed to the supervisor for correction; carried.

Second ward, city of Newburgh, election district No. 1, incorrect as to number of ballots; there are not as many tickets on as votes counted.

Mr. Adams moved that it be canvassed; Mr. Lamont protests; Mr. Vaninwegen moved as an amendment that it be sent back for correction; carried by the following vote:

Fifteen ayes, twelve noes. Ayes.—Demarest, Durland, Elwood, Hawkins, Ketcham, Lozier, McKissock, Patterson, Sayer, Tuthill, Vaninwegen, Wallace, Webb and the Chair; fifteen Noes.—Adams, Alexander, Beakes, Berry, Boyd, Brewster, Brown, Ford, Goodsell, Iseman, Loughran and Wilson; twelve.

Mr. Wood absent.

Second ward, city of Newburgh, election district No. 2, incorrect as to number of ballots; one ballot too many.

Motion made that it be canvassed; carried.

Second ward, city of Newburgh, election district No. 3, short number of ballots; no Prohibition or Labor tickets attached.

Mr. Loughran moved that it be returned for correction; Mr. Adams moved; as an amendment, that it be canvassed as it is impossible to get the tickets; Mr. Lamont protests. Lost by the following vote: thirteen ayes, fourteen noes. Ayes.—Adams, Alexander, Beakes, Berry, Boyd, Brewster, Brown, Ford, Goodsell, Hawkins, Iseman, Patterson, Wilson; thirteen ayes. Noes.—Demarest, Durland, Elwood, Ketcham, Lamont, Loughran, Lozier, McKissock, Sayer, Tuthill, Vaninwegen, Wallace, Webb and Wood; fourteen noes.

The Chair not voting.

The original motion, that it be returned for correction, was then put and carried by the following vote: fifteen ayes and seven noes. Ayes.—Demarest, Durland, Elwood, Hawkins, Ketcham, Lamont, Loughran, Lozier, McKissock, Sayer, Tuthill, Vaninwegen, Wallace, Webb and Wood; fifteen. Noes.—Berry, Brewster, Ford, Goodsell, Iseman, Patterson and Wilson; seven.

The Chair not voting, and Adams, Alexander, Beakes and Brown not voting.

Second ward, city of Newburgh, election district No. 4.

Ballots more than the votes — twenty more.

Mr. Ketcham moved that it be returned for correction; Mr. Adams moved, as an amendment, that it be canvassed; Messrs. Lamont, Sayer and Elwood protest. Carried by the following vote: fifteen ayes, eleven noes. Ayes. — Adams, Alexander, Beakes, Berry, Boyd, Brewster, Brown, Durland, Ford, Goodsell, Hawkins, Iseman, Loughran, Patterson and Wilson; fifteen. Noes. — Demarest, Ketcham, Lamont, Lozier, McKissock, Sayer, Tuthill, Vaninwegen, Wallace, Wood and the Chair; eleven.

Absent, Elwood and Webb.

Second ward, city of Newburgh, election district No. 5, marked O. K.

Motion made that it be canvassed; carried.

Second ward, city of Newburgh, sixth district.

Coroner's vote should be doubled and the word blank is omitted.

Mr. Loughran moved that it be returned for correction; Mr. Adams moved, as an amendment, that it be canvassed; same protest. Carried by the following vote: sixteen ayes and nine noes. Ayes. — Adams, Alexander, Beakes, Berry, Boyd, Brown, Ford, Goodsell, Iseman, Ketcham, Loughran, Patterson, Tuthill, Wallace and Wilson; sixteen. Noes. — Demarest, Durland, Hawkins, Lozier, McKissock, Sayer, Wood, Lamont and Vaninwegen; nine.

Webb and Elwood absent.

Third ward, city of Newburgh, election district No. 2.

Whole number of votes for Governor not entirely written out. The statement of ballots runs short of the vote.

Mr. Sayer moves that it be returned for correction.

Mr. Adams moved as an amendment that it be canvassed; same protest by Mr. Lamont; carried by the following vote: Fourteen ayes, thirteen noes. Ayes. — Adams, Alexander, Beakes, Berry, Boyd, Brewster, Brown, Ford, Goodsell, Iseman, Loughran, Patterson, Tuthill and Wilson, fourteen. Noes. — Demarest, Durland, Hawkins, Ketcham, Lamont, Lozier, McKissock, Sayer, Vaninwegen, Wallace, Webb, Wood and the Chair, thirteen noes; Mr. Ellwood absent.

Third ward, city of Newburgh, election district No. 1, reported correct; motion made that it be canvassed; carried.

Third ward, city of Newburgh, election district No. 1, the statement that there were forty-nine split ballots cast; the ballots equal the vote.

Motion made that it be canvassed. Carried.

Fourth ward, city of Newburgh, election district No. 1, votes and ballots agree; the statement of the inspectors show that there were fifty-one split ballots.

Mr. Adams moved that it be canvassed; Mr. Lamont protests. Carried.

Fourth ward, city of Newburgh, election district No. 2, the vote is not repeated in figures; statement made that forty-nine split ballots were voted.

Motion made that it be canvassed. Carried.

Fourth ward, city of Newburgh, election district No. 3, reported correct, except that there is one defective ballot against Sayer, which seems an error.

Motion made that it be canvassed. Carried.

Fourth ward, city of Newburgh, election district No. 4, reported correct, except no ballots attached.

Mr. Sayer protests to all that have no certificate attached.

The certificate and affidavit attached to the return read by the Chair; motion made that it be canvassed. Carried.

By Mr. LAMONT.—I now call up the return from the town of Woodbury from the table.

By the CHAIR.—It was returned to the committee this morning with the others.

By Mr. LAMONT.—I move that the committee be instructed to return it forthwith. There being no objections it was so ordered.

By Mr. SAYER.—I moved that it be rejected on the ground that it is clearly irregular, no ballots attached.

By Mr. BOYD.—I move as an amendment that the vote be canvassed.

Same protest by Elwood, Lamont and Snyder. Carried by the following vote: Eighteen ayes and nine noes. Ayes.—Adams, Alexander, Beakes, Berry, Boyd, Brewster, Brown, Ford, Goodsell, Hawkins, Iseman, Loughran, Lozier, Patterson, Tuthill, Vaninwegen, Wallace and Wilson, eighteen. Noes.—Demarest, Durland, Elwood, Ketcham, Lamont, McKissock, Sayer, Webb and Wood, nine noes.

By Mr. BOYD.—I make the motion that the returns that were once canvassed and afterwards reconsidered and sent back to the committee with the exception of twelve districts that were in the hands of the supervisors this morning for correction be ordered back before the full board for canvass.

This motion was afterwards withdrawn.

By the CHAIR.—We have some more returns from the committee which we can pass upon now.

Town of Chester, election districts numbers one, two and three, reported correct.

Motion made that it be canvassed. Carried.

Town of Goshen, election district No. 4, reported correct.

Motion made that it be canvassed. Carried.

Districts numbers two, three, four, five, six, seven and nine of the town of Deerpark, reported correct.

Motion made that they be canvassed. Carried.

Districts numbers one, eight and ten of the town of Deerpark, reported correct, with the exception that the ballots do not correspond with the vote.

Motion made that they be canvassed. Carried.

Town of Cornwall, election district No. 1, same as the last — more votes than ballots.

Motion made that it be canvassed. Carried.

District No. 4 of the town of Warwick, reported correct.

Motion made that it be canvassed. Carried.

District No. 3 of the town of Warwick, were short one ballot; they attached a sample ballot, otherwise correct.

Motion made that it be canvassed. Carried.

District No. 1, town of Warwick, short on ballots, attached one of the sample ballots.

Motion made that it be canvassed. Carried.

Town of Montgomery, election district No. 1, reported correct.

Canvassed on motion.

Districts numbers two, three and four of the town of Montgomery reported correct.

Canvassed on motion.

Town of Wawayanda, district No. 1, reported correct.

Canvassed on motion.

Town of Bloomingrove, districts numbers two and three, reported correct.

Motion made that it be canvassed. Carried.

Town of Tuxedo, No. 1, reported correct.

Motion made that it be canvassed. Carried.

Town of Bloomingrove, election district No. 1; ward of the city of Middletown, districts numbers one and two; second ward of the city of Middletown, district numbers one and three; fourth ward of the city of Middletown, district No. 3; the town of Minisink; town of Warwick, election district No. 2; town of Crawford, election district No. 1; second ward of the city of Middletown, election district No. 2;

first ward of the city of Middletown, election district No. 3; town of Cornwall, election district No. 2; and town of Goshen, election district No. 5, reported correct.

Motion made that they be canvassed. Carried.

Town of Wallkill, election districts Nos. 1, 2 and 3, and the town of Highland, election districts Nos. 1, 2 and 3, reported correct.

Motion made that they be canvassed. Carried.

Fourth ward of the city of Middletown, election district No. 3, correct; fourth ward of the city of Middletown, election district No. 2; town of Goshen, election district No. 4; town of Hamptonburgh, election district No. 1, were all returned to the inspectors and have been returned with their certificates attached.

Mr. Adams moved that they be canvassed.

Same protest to all except Cornwall. Carried.

Town of Goshen, election district No. 1.—Statement of ballots correct to the county clerk, but were not received by the supervisor.

Motion made that it be canvassed; Lamont protests. Carried.

Town of New Windsor, election district No. 3, no ballots attached, but correct in the county clerk's office.

Motion made that it be canvassed; Lamont, Sayer and Ellwood protests. Carried.

Town of New Windsor, election district No. 1, same as the last one.

Same protest; motion made and carried that it be canvassed.

Town of Monroe, election district No. 1, reported correct.

Motion made that it be canvassed. Carried.

Fourth ward of the city of Middletown, election district No. 1; third ward, city of Middletown, election district No. 1, town of Mount Hope; third ward, city of Middletown, election district No. 2, are all reported correct, except that the ballots do not agree with the total number of votes.

Motion made that they be canvassed; same protest by Lamont, Sayer and Ellwood. Motion carried.

Town of Goshen, election district No. 2, except every man's vote is written out.

Canvassed on motion.

Town of Newburgh, election district No. 3, reported correct.

Motion made that it be canvassed. Carried.

Town of Crawford, election district, No. 1, no labor ballot attached.

Motion made that it be canvassed. Carried.

Town of Wawayanda, election district No. 2, has one more ballot than votes.

Motion made that it be canvassed. Carried.

Mr. Adams moved that the statements of the county clerk so far as he has compared them, be adopted. Carried.

By the CHAIR.—Town of Newburgh, election district No. 1.

Reported correct, except instead of writing it out they have used figures.

Motion made that it be canvassed. Carried.

Town of Bloominggrove, election district No. 1, reported all right, except more votes than the statement of ballots.

Motion made that it be canvassed. Carried.

Town of Goshen, election district No. 3 : No ballots, or the statement of the number of ballots does not agree with the number cast ; it has been returned and the certificate attached.

Motion made that it be canvassed.

Same protest by Ellwood, Lamont and Sayer. Carried.

Town of New Windsor, election district No. 2, reported all right, except one ticket lacking, and also the signatures of the inspectors to the final certificate.

Motion made that it be returned. Carried.

On motion of Mr. Adams, the board adjourned till to-morrow morning, at 11.15 A. M.

GOSHEN, N. Y., *November 14*, 1891.

Board met pursuant to adjournment. Called to order by the chairman.

On the roll being called by the clerk, the following gentlemen answered:

Messrs. Adams, Alexander, Beakes, Berry, Boyd, Brown, Brewster, Demarest, Elwood, Ford, Goodsell, Hawkus, Iseman, Ketcham, Lamont, Loughran, Lozier, McKissock, Patterson and Wilson.

Absent.—Messrs. Durland, Sayer, Tuthill, Vaninwegen, Wallace, Webb and Wood.

Mr. Adams rose to a question of privilege and addressed the board in relation to a certain article that appeared in the *Middletown Times*, to which his attention was called this morning, concerning certain statements alleged therein to have been uttered by him upon this floor yesterday afternoon ; he repudiated any such language that was attributed to him, and denounced the publication of it in the strongest terms.

By the CHAIR.—Those members that have returns, please hand them to the committee.

Mr. Lamont said that he had been unable to get his board together so as to get his returns corrected, and he gave them to the committee.

Mr. Adams moved that the second district of the town of Monroe be canvassed. Carried by the following vote, fourteen ayes and nine noes:

Ayes.—Adams, Alexander, Beakes, Berry, Boyd, Brewster, Brown, Ford, Goodsell, Hawkins, Iseman, Loughran, Patterson and Wilson; 14. Noes.—Demarest, Durland, Ellwood, Ketcham, Lamont, Lozier, McKissock, Webb and the Chair; 9.

Absent.—Messrs. Sayer, Tuthill, Vaninwegen and Wood.

The committee of the board of canvassers retire and on motion a recess was taken till 1 P. M.

1 P. M.

Board convened pursuant to adjournment, and was called to order by the Chair; on the roll-call the following gentlemen answered:

Messrs. Adams, Alexander, Beakes, Berry, Brown, Demarest, Ford, Goodsell, Hawkins, Iseman, Lamont, Loughran, Lozier, Patterson, Webb and Wilson; sixteen; the others absent.

By the CHAIR.—Town of New Windsor, district number two, sent back for the inspector to sign, which has been done.

Motion made that it be canvassed. Carried.

First ward city of Newburgh, election district number one, corrected by certificate.

Motion made that it be canvassed; same protest by Lamont, Sayer and Ellwood. Motion carried.

Second ward, city of Newburgh, election district number three, reported correct.

Canvassed on motion.

Second ward, city of Newburgh, election district number one, sent back for a certificate which has been signed and sent back.

Motion made that it be canvassed; same protest by Lamont, Sayer and Ellwood. Carried.

First ward, city of Newburgh, election district number seven, the number of ballots one short.

Motion made that it be canvassed; same protest. Motion carried.

On motion, the board adjourned till Monday, November 16, at 2 P. M.

GOSHEN, N. Y., MONDAY, *November* 16, 1891 — 2 P. M.

Board of canvassers called together by Chairman Roberson.

Roll called and all present except Mr. Durland.

Mr. Wood moves that Messrs. Van Inwegen and Ford be appointed a committee of two to foot up the tally-sheet. Carried.

On motion of Mr. Ketchum, a recess was taken for one hour.

Board was called to order after recess by the chair, and roll called by order of the chair. All present.

By Mr. LAMONT:

I have a protest to offer which I ask to be attached to the return to be made to the Secretary of State.

By Mr. ELWOOD:

I have one also, which I wish to offer in behalf of Mr. Walker, to be attached to the return.

Both protests were handed to the clerk and were read by him, and are as follows:

I, C. Fred Lamont, the Democratic candidate for senator, voted for at the last election held in the county of Orange, do hereby protest against the board of canvassers of said county allowing or counting any votes for William P. Richardson, the Republican candidate for senator, returned by the several inspectors of election in the following election districts in said county, viz.:

The first district of the second ward of the city of Newburgh, because other persons than the inspectors of election were allowed to handle and count ballots when the inspectors were canvassing the poll and because on election day public electioneering was allowed and did take place within less than 150 feet of the polls.

The seventh district of the first ward of Newburgh city. The Democratic inspector was absent two days of registration, at which time illegal and non-voters' names were placed upon the registry and were allowed to vote election day. That number of paupers in the alms-house, whose legal residence was elsewhere, were allowed to and did vote; that the official ballots were allowed to be taken outside the guard-rail by voters and shown to party watchers just before handing them to the inspector of election, and that some votes for Wm. P. Richardson were purchased by Republican workers.

Second district third ward of the city of Newburgh, discrepancy between the statement of the number of votes cast in the certificate and the statement of the number placed upon the ballots attached to said certificate, the number of votes for Governor partially rubbed out. That after the polls had been opened and ballots had been received from legal voters and placed within the ballot-box, and before the polls were closed, the inspectors of election opened the ballot-box and removed ballots therefrom contrary to law.

Second district fourth ward of the city of Newburgh, for the same reasons as expressed above for the second district of the third ward.

First district fourth ward of city of Newburgh. Discrepancy between the statement of the number of ballots contained in the certificate and that placed upon the ballots attached to the certificate.

First district, Goshen, the same as given above for the first district of city of Newburgh.

First district of Mount Hope, the same as for first district of fourth ward of Newburgh city.

Third district of Highlands, same as above.

First district of Highlands, same as above.

Eighth district of Deerpark, same as above.

Second district of Bloominggrove, same as above.

First district of Bloominggrove, same as above.

First district of Tuxedo, same as above.

First district of Cornwall, same as above.

Second district of Goshen, same as above.

Fourth district of first ward of Newburgh city, same as above.

Third district of Goshen, same as above.

Third district of Cornwall, same as above.

First district of third ward of Newburgh city, same as above.

First district of fourth ward of Newburgh city, same as above.

Fourth district of second ward, Newburgh city, same as above.

Second district of second ward, Newburgh city, same as above.

Third district of third ward, Newburgh city, same as above.

Sixth district of second ward, Newburgh city, same as above.

Sixth district of second ward, Newburgh city, same as above and improper return in that the ballots attached are defaced and not written on as required by law, and that there are pencil marks on the ballots returned.

Second district first ward, Newburgh city, the Democratic inspector was absent half of one day of registration, and that during his absence persons *were* improperly and illegally registered by the Republican inspectors.

Fifth district of first ward, Newburgh city, discrepancy between the number of ballots certified as having been cast and the number contained upon the face of the ballots returned.

Fourth district of Montgomery, same as above and that there is no proper or legal certificate.

Fourth district of Goshen, no ballots attached to the certificate of inspectors.

First district of Woodbury, same as above.

And I also further protest against counting any of the ballots cast for William P. Richardson, as the last election in the city of Middle-

town, for the reason that a hundred and more persons were induced to vote for said Richardson, because of having received money from or through Republicans to do so. And I also further protest against said board of canvassers counting any ballots cast for William P. Richardson for senator at the last election in the city of Newburgh, because votes in each and every election district in said city were procured for said Richardson, or his agents or party friends by the payment to more than two hundred voters in said city, money for their votes for said Richardson.

C. FRED LAMONT.

ORANGE COUNTY, ss.:

On this 16th day of November, 1891, personally came before me C. Fred Lamont, known to me to be the person who signed the above protest, and who acknowledged before me that he signed the same.

S. E. DIMMICK,

Notary Public, in and for Orange county.

In behalf of George T. Walker, the Democratic candidate for clerk of the county of Orange, voted for at the last election, do protest against the board of canvassers of said county, allowing or counting the votes for William G. Taggart, the Republican candidate for county clerk, returned by the several inspectors of election in the respective districts and places mentioned in the protest filed this day with this board by C. Fred Lamont, and for the reasons therein specified. And I further protest against this board issuing a certificate of election as county clerk to William G. Taggart, for the reason that the said William G. Taggart did not receive a plurality of the votes cast for said office, and I demand that the certificate of election to the office of county clerk of Orange county be issued to George T. Walker, as having the plurality of the legal votes cast for said office at the last election.

CHARLES L. ELWOOD.

Mr. LAMONT.—I now make such motion for my protest.

Mr. ELWOOD.—I make such a motion for my protest.

Mr. Adams raised the point of order that the board had no returns as yet.

Messrs. Lamont and Elwood withdrew their respective motions for the present to have the returns properly before the board.

By the CHAIR.—Our returns are complete; our canvass is complete; all that is necessary is for the board to take action in regard to it.

Clerk Elliott here read all the returns.

Mr. Lamont now renews his motion.

Roll called and lost by the following vote: 14 ayes and 14 noes.

Ayes.—Demarest, Durland, Elwood, Ketcham, Lamont, Lozier, McKissock, Sayer, Tuthill, Van Inwegen, Wallace, Webb, Wood and the Chair; 14. Noes.—Adams, Alexander, Beakes, Berry, Boyd, Brewster, Brown, Ford, Goodsell, Hawkins, Iseman, Loughran, Patterson and Wilson; 14.

Mr. Lamont then moved that this protest be filed as a statement.

Carried by the following vote: 20 ayes, 7 noes. Ayes.—Adams, Alexander, Beakes, Brown, Demarest, Durland, Elwood, Ford, Ketcham, Lamont, Loughran, Lozier, McKissock, Sayer, Tuthill, Van Inwegen, Wallace, Webb, Wood and the Chair; 20. Noes.—Berry, Boyd, Brewster, Goodsell, Iseman, Patterson and Wilson; 7.

Hawkins not voting.

By Mr. ELWOOD :

I make the same motion in reference to the protest that I filed for Mr. Walker, that it be filed as a statement.

Roll called, and lost by the following vote: 14 ayes and 14 noes. Ayes.—Demarest, Durland, Elwood, Ketcham, Lamont, Lozier, McKissock, Sayer, Tuthill, Van Inwegen, Wallace, Webb, Wood and the chair; 14. Noes.—Adams, Alexander, Beakes, Berry, Boyd, Brewster, Brown, Ford, Goodsell, Hawkins, Iseman, Loughran, Patterson and Wilson; 14.

By Mr. WOOD :

I move that we now proceed to sign the certificates of canvass.

Carried.

The canvass was then completed by signing by the chairman and secretary.

The board then adjourned without day.

C. G. ELLIOTT,

County Clerk and Secretary.

Entered in election book No. 3, p. 176, etc. C. G. Elliott, Clerk.
(Endorsed.) Filed Nov. 16, 1891. 4h. 20m. P. M.

STATEMENT OF BOARD OF COUNTY CANVASSERS.

STATEMENT OF BOARD OF COUNTY CANVASSERS OF THE COUNTY OF ORANGE, N. Y., IN RELATION TO VOTES GIVEN FOR GOVERNOR, LIEUTENANT-GOVERNOR, SECRETARY OF STATE, COMPTROLLER, TREASURER, ATTORNEY-GENERAL, STATE ENGINEER AND SURVEYOR, SENATOR AND JUSTICE OF THE SUPREME COURT.

The board of county canvassers of the county of Orange, N. Y., having met at the office of the clerk of said county, on the 10th day of November, 1891, to canvass and estimate the votes given in the several election districts of said county, at the general election held on the third day of November, in the year aforesaid, do certify as follows:

That it appears on such estimate and canvass that the whole number of votes given for the office of Governor was twenty thousand and fourteen (20,014); of which Roswell P. Flower received nine thousand three hundred and twenty-five (9,325); Jacob Sloat Fassett received nine thousand eight hundred and thirteen (9,813); Joseph W. Bruce received six hundred and eighty-eight (688); Daniel De Leon received one hundred and sixty-nine (169); blank received seventeen (17); Roger B. Towner, one (1); defective, one (1).

The whole number of votes given for the office of Lieutenant-Governor was twenty thousand and five (20,005); of which William F. Sheehan received nine thousand one hundred and ninety-three (9,193); John W. Vrooman received nine thousand nine hundred and fifteen (9,915); George W. Hallock received seven hundred and one (701); Frank Gesser received one hundred and seventy-two (172); blank received twenty-three (23); defective, one (1).

The whole number of votes given for the office of Secretary of State was twenty thousand and eighteen (20,018); of which Frank Rice received nine thousand two hundred and sixty-three (9,263); Eugene F. O'Connor received nine thousand eight hundred and six (9,806); William E. Booth received seven hundred and ten (710); Frederick Bennetts received two hundred and eighteen (218); blank received twenty-one (21).

The whole number of votes given for the office of Comptroller was twenty thousand and twenty (20,020); of which Frank Campbell received nine thousand two hundred and seventy-three (9,273); Arthur C. Wade received nine thousand eight hundred and two (9,802); William W. Smith received seven hundred and thirteen (713); Henry Vitalius received two hundred and fifteen (215); blank, received seventeen (17).

The whole number of votes given for the office of Treasurer was twenty thousand and nineteen (20,019) of which Elliot Danforth received nine thousand two hundred and fifty-seven (9,257); Ira M. Hedges received nine thousand eight hundred and thirty (9,830); Francis Crawford received seven hundred and three (703); James Withers received two hundred and fifteen (215); blank received fourteen (14).

The whole number of votes given for the office of Attorney-General was twenty thousand and twenty (20,020); of which Simon W. Rosendale received nine thousand two hundred and seventy-eight (9,278); William A. Sutherland received nine thousand eight hundred and ten (9,810); Calvin S. Crosser received seven hundred and five (705); Henry G. Wilshire received two hundred and fourteen (214); blank received thirteen (13).

The whole number of votes given for the office of State Engineer and Surveyor was twenty thousand and fourteen (20,014); of which Martin Schenck received nine thousand two hundred and seventy three (9,273); Verplanck Colvin received nine thousand eight hundred and three (9,803); Henry P. Forbes received seven hundred and five (705); Charles Wilson received two hundred and thirteen (213); blank received twenty (20).

The whole number of votes given for the office of Senator was nineteen thousand nine hundred and twenty-one (19,921); of which C. Fred Lamont received nine thousand two hundred and thirty-five (9,235); William P. Richardson received nine thousand eight hundred and eighty-five (9,885); Gabriel Seely received six hundred and seventy-five (675); blank received one hundred and twenty-three (123); C. F. Lamont received two; Brown received one (1).

The whole number of votes given for the office of Justice of the Supreme Court was nineteen thousand six hundred and sixty-two (19,662); of which Calvin E. Pratt received nineteen thousand one hundred and seventy-six (19,176); blank received four hundred and eighty-six (486).

We certify this statement to be correct, and have caused the same to be attested by the signatures of the chairman and secretary of this board, this sixteenth day of November, A. D. one thousand eight hundred and ninety-one.

S. D. ROBERSON,

Chairman.

C. G. ELLIOTT,

County Clerk and Secretary.

Indorsed on the back: "Canvass of state officers, senate and judiciary. To state board. County of ——— 1891. Orange county, ss. Recorded on the sixteenth day of November, 1891, at 4.20 o'clock, P. M., in Liber 3, Elct. Returns, at page 210. Examined. C. G. Elliott, clerk. Indorsed: Filed Nov. 16, 1891, 4h. 20m. P. M.

STATEMENT IN RELATION TO COUNTY OFFICERS.

STATEMENT OF THE BOARD OF COUNTY CANVASSERS OF THE COUNTY OF ORANGE, N. Y., IN RELATION TO VOTES GIVEN FOR SHERIFF, COUNTY CLERK, SUPERINTENDENT OF THE POOR, CORONERS AND JUSTICES OF SESSIONS.

The board of county canvassers of the county of Orange, N. Y., having met at the office of the clerk of said county on the 10th day of November, 1891, to canvass and estimate the votes given in the several election districts of said county, at the general election held on the third day of November, in the year aforesaid, do certify as follows:

That it appears on such estimate and canvass that the whole number of votes given for the office of sheriff was nineteen thousand nine hundred and twenty-five (19,925); of which George W. Sayer received nine thousand two hundred and fifty-seven (9,257); Joseph K. Alexander received nine thousand eight hundred and thirty-three (9,833); Horatio N. Green received six hundred and eighty-nine (689); blank received one hundred and forty-five (145); G. W. Sayer received one (1).

The whole number of votes given for the office of County Clerk was nineteen thousand nine hundred and nineteen (19,919); of which George T. Walker received nine thousand four hundred and seventy-eight (9,478); William G. Taggart received nine thousand six hundred and eight (9,608); Samuel S. Bull received six hundred and seventy-eight (678); blank received one hundred and fifty-four (154); defective one (1).

The whole number of votes given for the office of Superintendent of the Poor was fourteen thousand two hundred and seventeen (14,217); of which James Comfort received six thousand seven hundred and ninety-two (6,792); Thomas Merritt received six thousand seven hundred and ninety-seven (6,797); Charles B. Roe received five hundred and six (506); blank received one hundred and twenty-one (121); Merritt received one (1).

The whole number of votes given for the office of Coroners was thirty-nine thousand seven hundred and eighty-two (39,782); of which Frank F. Corwin received nine thousand two hundred and forty

(9,240); Charles E. Hill received nine thousand one hundred and fifty (9,150); John Corwin received nine thousand eight hundred and nineteen (9,819); Abraham L. Decker received nine thousand eight hundred and fifty (9,850); George Hartshorn received six hundred and ninety-nine (699); John M. Brink received seven hundred and twenty-two (722); blank received two hundred and ninety-four (294); E. B. Decker received one (1); Cooper De Graw received one (1); Decker received one (1); A. L. Decker received one (1); Frank Corwin received three (3); Abraham Decker received one (1).

The whole number of votes given for the office of Justice of Sessions was nineteen thousand nine hundred and twenty-five (19,925); of which James B. Stevens received nine thousand two hundred and seventy-four (9,274); Charles R. Bull received nine thousand seven hundred and thirty-one (9,931); Robert S. Talbott received seven hundred and twelve (712); Blank received two hundred and eight (208).

We certify this statement to be correct, and have caused the same to be attested by the signatures of the chairman and secretary of this board, this 16th day of November, A. D. eighteen hundred and ninety-one.

S. D. ROBERSON,

Chairman.

C. G. ELLIOTT,

County Clerk and Treasurer.

(Indorsed on the back.) Statement on county officers, 1891.
ORANGE COUNTY, SS.:

Recorded on the 16th day of November, 1892, at 4.20 o'clock P. M., in Liber 3 Ele't Returns, at page 214, and examined. C. G. Elliott, clerk.

Indorsed: Filed November 16, 1891, 4h. 20m. P. M.

STATEMENT IN RELATION TO MEMBERS OF ASSEMBLY.

The board of county canvassers of the county of Orange, N. Y., having met at the office of the Clerk of said county on the 10th day of November, 1891, to canvass and estimate the votes given in the several election districts, in each of the Assembly district of said county at the general election held on the third day of November, in the year aforesaid, do certify as follows, to-wit:

That it appears on such estimate and canvass that the whole number of votes given for Member of Assembly in the first Assembly district of said county, was ten thousand one hundred and forty-one (10,141); of which Grant B. Taylor received four thousand four

hundred and eighteen (4,418); Howard Thornton received five thousand two hundred and ninety-four (5,294); Robert S. Talbott received three hundred and seventy-nine (379); Blank received forty-eight (48); W. E. McCormick received two (2).

The whole number of votes given for the office of Member of Assembly for the second Assembly district of said county was nine thousand seven hundred and seventy-four (9,774); of which William E. McCormick received five thousand and thirty-two (5,032); Henry M. Howell received four thousand three hundred and ninety-five (4,395); Abram T. Squires received two hundred and ninety-five (295); blank received fifty (50); H. M. Howell received one (1); Wm. P. Richardson received one (1).

We certify this statement to be correct, and have caused the same to be attested by the signatures of the chairman and secretary of this board, this sixteenth day of November, A. D. one thousand eight hundred and ninety-one.

S. D. ROBERSON,

Chairman.

C. G. ELLIOTT,

County Clerk and Secretary.

(Indorsed on the back.)

Orange county, Statement on Assembly. 1891.

ORANGE COUNTY, SS.:

Recorded on the 16th day of November, 1891, at 4.20 o'clock, p. m., in Liber 3 of Elc't Returns, at page 216, and examined.

C. G. ELLIOTT,

Clerk.

Indorsed. Filed Nov. 16, 1891, 4h. 20m. p. m.

CERTIFICATE OF THE ELECTION OF COUNTY OFFICERS.

The board of county canvassers of the county of Orange, N. Y., having canvassed and estimated the votes given in the several election districts of the said county, at a general election held on the 3d day of November, 1891, do hereby certify, determine and declare that Joseph K. Alexander, by the greatest number of votes, was duly elected sheriff of said county. That William G. Taggart, by the greatest number of votes, was duly elected County Clerk of said county. That Thomas Merritt, by the greatest number of votes, was duly elected superintendent of the poor of said county. That John Corwin and Abraham L. Decker, by the greatest number of votes, were

duly elected Coroner of said county. That James B. Stevens and Charles R. Bull, by the greatest number of votes, were duly elected Justices of Sessions of said county.

Dated GOSHEN, N. Y., the 16th day of *November*, 1891.

S. D. ROBERSON,
Chairman.

C. G. ELLIOTT,
County Clerk and Secretary.

(Indorsed on the back):

Orange county certificate of election of county officers, 1891.

ORANGE COUNTY, ss.:

Recorded on the 16th day of November, 1891, at 4.20 o'clock P. M., in Liber 3 of the Elc't Returns, at page 217, and examined. C. G. Elliott, clerk.

Indorsed: Filed November 16, 1891, 4h. 20m. P. M.

CERTIFICATE OF THE ELECTION OF MEMBERS OF ASSEMBLY.

The board of county canvassers of the county of Orange, N. Y., having canvassed and estimated the votes given in the several election districts, in each of the Assembly districts of the said county, at a general election held on the 3d day of November, 1891.

Do hereby certify, determine and declare that Howard Thornton, by the greatest number of votes was duly elected Member of Assembly in and for the first Assembly district in said county.

That William E. McCormick, by the greatest number of votes, was duly elected Member of Assembly in and for the second Assembly district in said county.

Dated GOSHEN, N. Y., the 16th day of *November*, 1891.

S. D. ROBERSON,
Chairman.

C. G. ELLIOTT,
County Clerk and Secretary.

(Indorsed):

Orange county, certificate of election on Member of Assembly, 1891.

ORANGE COUNTY, ss.:

Recorded on the 16th day of November, 1891, at 4.20 o'clock P. M., in Liber 3 of Elc't Returns, at page 218, and examined. C. G. Elliott, clerk.

Filed November 16, 1891, 4h. 20m. P. M.

STATE OF NEW YORK, }
 ORANGE COUNTY CLERK'S OFFICE, } ss.:

I, William G. Taggart, clerk of the county of Orange and also clerk of the Supreme and County Courts in and for said county (courts of record), do hereby certify that I have compared the preceding copy with the original proceedings of the board of canvassers, filed in my office, and that the same is a true and correct transcript therefrom and the whole of said original, filed November 16, 1891, at 4 20 P. M.

Witness my hand and the seal of said courts and county at
 [L. s.] Goshen, this 15th day of January, 1892.

C. G. ELLIOTT,
Deputy Clerk.

The committee then adjourned to meet Tuesday evening, March 8, 1892, at 7.30 P. M.

ALBANY, TUESDAY, *March 8, 1892*, — 7.30 P. M.

The committee met pursuant to adjournment.

Present.—Chairman Roesch and Senator Endres.

CHARLES H. VAN GORDER, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. City of Newburgh.

Q. How long have you lived there? A. Fifteen years.

Q. Where were you last election day, last fall? A. In the fifth district, first ward.

Q. How much of the time were you there? A. All day.

Q. Did you see what was going on there at the polls generally? A. I did.

Q. Do you know B. B. Odell, Jr.? A. I do.

Q. Was he there that day? A. He was, I think, about two or three times.

Q. How long each time? A. Probably five or ten minutes.

Q. Was there any electioneering going on there within 150 feet of the polls? A. There was not.

Q. Did he do any electioneering there? A. Not that I know of.

Q. You saw him there? A. I did.

Q. Saw what he did do? A. Yes.

Q. If he had brought men to the polls could you have seen him?
 A. Yes, sir.

Q. Did he? A. He did not.

Q. Do you know the colored man that has been examined here by the name of Matthews? A. I do.

Q. Did he say anything to you about what he was to be compensated for his work in this case? A. He did not.

Cross-examination:

By Mr. GARDNER :

Q. Were you around the polls all day? A. I was.

Q. You were an officer, weren't you? A. No, sir.

Q. How did you come to be about the polls all day? A. There was a man appointed in my place; I asked to be excused and I went there with him in the morning before the polls opened, and I had other business there and stayed there all day.

Q. What business was it that you had there? A. I was electioneering.

Q. Were you at any time within 150 feet of the polls? A. No, sir.

Q. Did you take dinner that day? A. I did.

Q. Where? A. On the corner of Washington street and Mill.

Q. That was some distance from the polls? A. Just outside the 150 feet.

Q. While you were engaged in eating dinner are you able to state whether Mr. Odell was about the polls electioneering or not? A. No, sir; I am not able to state that.

Q. What time did you get there in the morning? A. Half-past 6.

Q. What time did you leave there at night? A. I left there when the polls closed.

Q. How long were you at dinner? A. Probably half an hour or twenty minutes, something like that.

FRED S. McCANN, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. Eighty-three Ann street, city of Newburgh.

Q. Did you live there last fall? A. Yes, sir.

Q. Were you an inspector of election? A. Yes, sir.

Q. In what district? A. First district, first ward.

Q. Was the ballot box opened in that district of that ward that day? A. Yes, sir.

Q. Who by?

Mr. DIMMICK.—We object to that; this is not in contradiction of any testimony that we have introduced.

Mr. HIRSCHBERG.—No, sir; but if they can prove we had boxes open, we can prove they had boxes open.

Mr. DIMMICK.—There is no allegation before the committee we have committed any irregularities.

[No answer.]

Mr. HIRSCHBERG.—It isn't for the purpose of keeping Mr. Lamont out; it is for the purpose of neutralizing the effect of such testimony as may have been introduced by the contestant.

Mr. DIMMICK.—We object to it that it is immaterial.

Mr. COUNTRYMAN.—As far as the answer was concerned it was understood we could give our testimony and put in the answer at any time.

Chairman ROESCH.—So far as the matter of the answer is concerned in the other case the sitting member filed his answer within a short time after commencing his side of the case.

Mr. HIRSCHBERG.—The chair informed us we need not file an answer at all.

Chairman ROESCH.—That is true.

Mr. GARDNER.—The chair said the evidence should be strictly in rebuttal if you didn't.

Chairman ROESCH.—I don't recall having said that; possibly I did, but I do not think that it is necessary for you to go into an affirmative defense, as it were, to establish affirmatively the right to your seat, or even to show that Mr. Lamont is not entitled to the seat because of irregularities upon his side.

Mr. HIRSCHBERG.—We are not doing that; but if you should conclude you would throw out the district because of that irregularity, then we should ask you to throw out this district because of an irregularity there. The testimony can be taken in five minutes; we have only two witnesses on that point.

Chairman ROESCH.—The committee will allow it.

Q. Was it opened? A. Yes, sir.

Q. Who by? A. The chairman, William A. Ryan.

Q. He is here? A. Yes.

Q. Do you know for what purpose he opened it? A. There was some document lost and we couldn't find it, and he thought probably it might have got in there.

Q. What hour in the day was it? A. It was in the morning, after the voting had commenced.

Cross-examination:

By Mr. DIMMICK:

Q. About what time in the morning was it; immediately after the polls had opened? A. No, sir; I don't think immediately afterwards.

By Chairman ROESCH:

Q. Were there any ballots taken out? A. No, sir.

Q. Were there any ballots put in other than those entitled to be put in? A. No, sir.

Q. Were there any ballots destroyed? A. No, sir.

Q. Was the box destroyed? A. No, sir.

Q. Did the opening of that box in anywise affect the result? A. No, sir.

Mr. HIRSCHBERG—It isn't claimed it did in the other case, now.

Mr. GARDNER.—It is, and that they took out ballots.

WILLIAM A. RYAN, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. You have heard the testimony of the last witness? A. Yes, sir.

Q. Were you the chairman of the board of inspectors in the district referred to by him? A. Yes, sir.

Q. Was the ballot-box opened on that day? A. Yes, sir.

Q. At what hour? A. Shortly after the polls were opened.

Q. About what time? A. I should judge about twenty minutes to 7 or a quarter to 7.

Q. It was unlocked? A. Yes, sir.

A. There were ballots in there? A. There were two or three.

Q. What was it opened for? A. I opened it; I lost a document sent to me by the mayor and I couldn't find it, and I thought, probably, I had put it in there in mistake for a ballot and I called the inspector and opened it.

Q. Did you find the document? A. No, sir.

Q. You were a Democratic inspector? A. Yes, sir.

Q. What you return in your district as straight tickets do you take the head of the ticket? A. Yes, sir.

Q. You return as straight tickets whatever the head of the ticket receives? A. Yes, sir.

Q. Do you return the split tickets? A. No.

Mr. DIMMICK.—Doesn't the return speak for itself?

Mr. HIRSCHBERG.—The return don't show what they call straight tickets.

Mr. DIMMICK.—It shows what they call straight tickets.

Mr. GARDNER.—If the evidence is offered for the purpose of contradicting the returns we object to it.

EDGAR L. REQUA, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you reside? A. Highland Mills.

Q. What town is that in? A. Town of Woodbury.

A. Were you there at the election last fall? A. I was.

Q. In any special capacity? A. No, sir.

Q. Simply as a Republican interested in the result? A. Interested in the election.

Q. Not an officer? A. No, sir.

Q. You know Irving Washburn, one of the counsel? A. Yes, sir.

Q. About whom some testimony has been given; were you present when Mr. Washburn was excluded from the polls? A. I was.

Q. Did you see and hear all that occurred on that occasion? A. I did.

Q. Did Mr. Washburn, at that time, have and present any credentials as a Democratic watcher? A. No, sir; he hadn't made them out yet.

Q. How do you know he hadn't made them out? A. On or about ten minutes past 7 A. M. I went up to the polls to vote, and I was up there and Mr. Washburn also made his appearance and went inside where the board met and said he was one of the Democratic watchers, and also John G. Earle was another one, and the board had a short consultation about it and they had looked the law up and decided the watchers should be there before the polls were open to see the ballot-boxes were all right, no ballots in them, and everything correct; the Republican watcher was there and the Democratic watcher; Mr. Washburn and Mr. Odell was not; Mr. Washburn said he was the president of the Democratic club, and that he had all the authority to sign his credentials; he said he proposed to stay in the board; I was outside the railing, and I thought the chairman of the board was a little slow about it, weak-kneed, and I made the demand on the chairman that I didn't think he had any right in there; they had a few words, and then I asked the chairman to ask Mr. Washburn if he had his credentials made out; the chair did so, and Mr. Washburn said he hadn't them made out, but he could step down stairs and make them out in a few moments, and on that information I demanded the chair to put him outside the railing; he refused to go, and defied the board to put him out; I made the remark if I was chairman of the board he would go out and go out right away, and I insisted upon the chairman of the board calling an officer if he didn't go out.

Q. Was he then put out? A. The chairman of the board called an officer and the officer went in and asked Mr. Washburn if he would go out; Mr. Washburn asked him if he was an officer, and he said he was; he says, "Do you demand me to go out?" the words were about that; I can't give the exact language, and then he went out.

Q. Did he afterwards come back with his credentials? A. I wasn't there when he came back.

Q. It is in evidence that he came back afterwards with credentials, and was allowed in?

Mr. WASHBURN.—I think not.

Q. That is all you know about it? A. I think that is all.

Cross-examination :

By Mr. WASHBURN:

Q. Were you there when I first entered the polling-place in the morning? A. I can't remember whether you were there before about ten minutes past 7.

Q. Were you there when I first entered the polling place? A. I don't know what time you first entered.

Q. Do you know whether you were there or not at the time I did enter? A. I know you were there when I was there.

Q. You know I was there when you first came there? A. You were there when I first came there.

Q. Were you there when Mr. Richardson, the Republican watcher, entered the polling place? A. I don't remember that.

Q. Do you know whether you were there or not when he entered the polling place? A. I don't remember that.

Q. Don't remember whether you were there or not at that time? A. I remember I was there on or about ten minutes past 7.

Q. Are you able to state that no document claiming to be credentials had been submitted before the watcher was excluded by the officer? A. I am able to state that fully and understand what I am saying.

Q. Are you able to state that no credentials had been offered before the watcher was excluded; do you state that upon your oath? A. I state upon my oath that at the time I made the demand you had not presented your credentials, whether it was the first or second time you were there.

Q. Do you mean to state at that time I hadn't presented what I claimed to be credentials, or do you quibble upon the question

whether the credentials were proper or not? A. I don't quibble at all; you had no credentials when I demanded you be put outside the board.

Q. Don't you know I claimed to have presented credentials and stated to the chairman they laid upon his table? A. No, sir; I don't remember any conversation of that kind at all.

Q. Your memory seems to be defective in some part; are you able to state that any credentials were subsequently submitted? A. I don't know what time you presented your credentials after that time.

Q. Do you know I did present any credentials? A. I know you did after that.

Q. You know I did present credentials subsequent to my exclusion as a watcher; if you do you know what isn't true? A. I know your credentials were presented after you had left the board by the aid of an officer.

Q. And on your demand? A. On my demand.

Q. You know I was subsequently admitted to the polls as a watcher? A. Yes.

Q. There is evidence in this case that money was placed in your hands for use for election purposes in the town of Woodbury; that money was placed in your hands by Mr. Odell, of Newburgh, the Republican State committeeman; will you please tell the committee what the amount was?

Mr. HIRSCHBERG.—That has all been in evidence; I don't object to it; if the committee will take the time I am willing he should be examined.

Chairman ROESCH.—Go on.

Q. Will you state the amount? A. I don't remember the exact amount; in the neighborhood of about seventy-five dollars.

Q. Will you swear it wasn't more than seventy-five dollars? A. I am not positive of the amount.

Q. Will you swear it wasn't more than seventy-five dollars? A. I am not positive of the amount.

Q. Will you swear it was less than a hundred dollars? A. I am not positive, on or about seventy-five dollars.

Q. What did you do with that money? A. I used it for legitimate campaign expenses.

Q. Did you offer any man any money for his vote on that day? A. No, sir.

Q. Do you know a man in that town by the name of Jerry Arnold? A. I do.

Q. Did you offer him four dollars for his vote? A. No, sir.

WILLIAM B. BARCLAY, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. Central Valley.

Q. How long have you lived there? A. Fourteen years.

Q. That is in the town of Woodbury? A. It is now.

Q. Was last fall? A. Yes, sir.

Q. Were you the Democratic inspector in that district that fall?

A. I was and have been for ten years.

Q. Been a Democratic inspector for ten years? A. That is poll clerk of the district.

Q. Engaged in the election in either one capacity or the other?

A. Certainly.

Q. And have always been a Democrat? A. Since Stephen A. Douglass, Henry Clay, Whig before that.

Q. You know Irving Washburn? A. Correct; good friend of mine.

Q. He claimed he was put out of the polls there that day improperly? A. He claims right; I put him out.

Q. Improperly? A. I won't acknowledge him.

Q. Tell the committee why you ordered him to go out of the polls?

A. It is a long story.

Q. Cut it short? A. There were two Republican inspectors; the chairman and I was attending to the unvoted ballots, that takes a good deal of time, tearing off the coupons; I didn't hear the racket first if you know; Mr. Washburn stood up against the rail inside and the chairman, Republican board of course, you know, kind of appealed to me and everything kind of stopped; of course I turned around and I saw the snag somewhere and says I, "Mr. Washburn, won't you please step outside;" he said he wouldn't; says I, "Mr. Washburn, won't you please step outside;" he says, "No, I won't;" says I, "Is there an officer in this room;" one stepped out, and I says, "Remove the gentleman;" that is all there was about it.

Q. You were the cause of his being removed? A. I was.

Q. It was under your orders? A. It was.

Q. Had he presented any credentials showing his right to remain there at that time? A. No; I hadn't nothing to do with him.

Q. Had he to the others? A. I can't answer.

Q. Had you seen any? A. I had not.

Q. Or heard of any? A. I had not.

Q. Or any claim on his part why he should be there? A. I had not.

Q. He was simply making a disturbance? A. No; he wasn't making a disturbance, but when arguments go, half a dozen mixing in makes a muddle.

Q. Did he afterwards come there with credentials? A. I don't know anything at all about it; I saw Mr. Washburn there afterwards; if I had been a Democratic chairman he should never have got back again.

Cross-examination.

By Mr. WASHBURN:

Q. Are you able to state that no credentials were presented before the watcher was excluded? A. Page 64 of the election laws, and section 231, says all watchers shall present their credentials fifteen minutes before the ballot boxes are examined to see if there is any nigger in the ballots; that is the ground I stood on.

Mr. HIRSCHBERG.—He didn't do that?

A. He did not.

Q. Was that the ground on which the watcher was excluded, that his credentials were not presented early enough? A. You didn't have any credentials.

Q. Are you able to say no credentials were presented? A. No; I won't state nothing I don't know.

Q. You are not able to state anything about whether any credentials were ever presented or not? A. I don't know anything at all about it.

Q. At any time during the day? A. I do not; it is not my province to know; you present to the chairman of the board, not me, I attend to my duties under them; I don't care who the devil is outside.

Q. Was it not the chairman who gave the order to the officer to exclude the watcher? A. I don't know nothing about no orders; the poll stopped; I have served as inspector for ten years; if you don't like me don't put me there again; if you can't have it right don't put me there.

Q. Do you know anything about the circumstances under which I was admitted as a watcher about 11 o'clock? A. I don't know nothing about it, only I told you to leave instantly.

STEPHEN V. HEATON, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you reside? A. Monroe, New York.

Q. Were you there last election last fall? A. I was.

Q. In Orange county? A. Yes, sir.

Q. Who were the Democratic workers there that day? A. Do you mean outside the polls?

Q. Yes? A. Gilbert Carpenter, Henry M. Morehouse, Abram Letts, not so much as the first two.

Q. Where did they do their work? A. Mostly outside the polls.

Q. How far from the polls? A. One hundred and fifty feet as far as I know.

Q. Did you see anything indicating the use of money there that day? A. I saw some suspicious circumstances.

Q. State what you saw? A. There was a man that told me that he intended to vote the Republican ticket from here on; he had just got a pension; he felt very grateful, and he said he thought he had been standing in his own light, and I saw these workers around him to fix his tickets up for him.

Q. Which ones? A. Mr. Morehouse; I was quite satisfied they changed him; of course, this is only what I think.

Q. What are his politics? A. He told me he was a Republican.

Q. That is all you know about it? A. There is one other circumstance.

Q. State it? A. One of our Republican workers just about two weeks or ten days before election, began to talk in favor of Fred Lamont, and he was working in a gang of men that was working on a new street, and most of them were Republicans, and they told me this man was talking Fred. Lamont, and finally I went to him and said: "Sile, what in the world do you mean?" He asked me what I meant; I said, "You are talking for Fred.;" he says, "If I didn't talk I wouldn't say anything;" I said, "This is of vital importance, probably you don't know the importance of this election; it isn't like a sheriff, or county clerk, or poor-master; this is a legislative man, a man that helps make our laws, and we want to stand together on this if we ever stand;" he talked off a little; I said, "Here, you have been offered money;" he says "They know well enough I won't work for them without it," and that was the answer he made.

Q. Did he work for them? A. I rather think he did; I don't know; he was pretty sly.

By Chairman ROESCH :

Q. He was a Republican? A. He was a Republican.

JAMES MORGAN, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. Monroe, Orange county.

Q. How long have you lived there? A. I have lived there between forty and fifty years.

Q. Are you a voter there? A. Yes, sir.

Q. Did you vote there last fall? A. Yes, sir.

Q. Do you know Mr. Morehouse that has been spoken of by the last witness? A. Yes, sir; well acquainted with him.

Q. Did you see him there at the polls on election day? A. Yes, sir; I saw him outside the polls.

Q. Did he give you a ticket to vote or a paster? A. Yes; he gave me a little paster to put on for Mr. Lamont.

Q. A Republican paster? A. On a Republican ticket.

Q. A Republican ticket or paster with Mr. Lamont's name on? A. Yes, sir.

Q. Did he give you any money with it? A. He give me three dollars.

Q. To go and vote it? A. Yes, sir.

Q. That is Mr. Lamont's own district? A. Yes, sir.

Q. It is the second, or first district? A. I couldn't say.

Q. What is known as the Monroe district as distinguished from the Turner's district? A. Yes, sir.

Q. Did you know of any other persons being paid money that day? A. No, sir.

Q. You kept the three dollars? A. I did, because I was poor and needed and I wanted it.

Q. Did you vote the paster which he gave you? A. I did.

Cross-examination :

By Mr. GARDNER:

Q. Can you read and write? A. Yes, sir; I can; a little.

Q. Can you read print? A. Yes, sir; if it ain't too fine.

Q. Are you a Republican or a Democrat? A. I am a Republican, sir, to the backbone and you can take that out of the top of your head if you are a mind to.

Q. You voted the straight Republican ticket, didn't you? A. No, sir; I didn't; I had Mr. Lamont's name and I call that a Democrat; there is where I crossed over — kind of a Catholic; a cross on it.

By Chairman ROESCH:

Q. That is what you got three dollars for? A. Yes.

Q. You sold your vote for three dollars? A. I didn't sell it.

Q. You voted for Lamont because you got three dollars? A. Yes; I was old and crippled and poor and I thought I needed the money.

[It is admitted this was the first district.]

HENRY T. BELL, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. No. 110 Smith street, Newburgh.

Q. Are you a member of the Sherman club? A. Yes, sir.

Q. Were you a member last fall? A. Yes, sir.

Q. Did you vote in the city of Newburgh? A. Yes, sir.

Q. At the fall election? A. Yes, sir.

Q. Did you receive any part of the donation which has been spoken of in these proceedings? A. No, sir.

Q. Did you receive anything from anybody? A. No, sir.

Q. Yet you were a good member in regular standing? A. Yes, sir.

By Chairman ROESCH:

Q. What is your business? A. Steamboating.

Q. Were you at the club when there was any discussion about this election? A. No, sir; I haven't been able to meet the club only the time they were organized, a year last spring; my business has called me away and I was unable to meet.

FRANKLIN ARNUM, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. Newburgh.

Q. Where? A. Washington street, 251.

Q. Were you a member of the Sherman club last fall? A. I was.

Q. Did you vote in the city of Newburgh last fall? A. Yes, sir.

Q. Did you receive any part of the donation that has been spoken of in these proceedings? A. No, sir; not that I know of.

Q. That is a circumstance that would have been apt to have impressed itself on your memory; did you get any pay that day? A. No, sir.

Q. Any part of the \$600? A. No, sir; not that I know of.

Q. Or any money from anybody that day? A. No, sir.

Q. Were you in the club when some discussion was had as to the disposition to be made of this fund? A. I was.

Q. What was said upon that subject? A. Well, when I heard that there was some money for the benefit of the club they sent for me; I went there; they asked my advice what to do with it, and I advised them to use it in a way that we could have our own-club room, and out of what was left to put it in the bank for our own use; some of them agreed with me on that point and then there were others that didn't like the idea and wanted to draw out what they thought would

be their share; the object was to bank it for the benefit of the club whatever there was of it; I don't know how much there was; that was my advice to them.

Q. Were there any others in favor of that same disposition that you advised? A. Oh, yes, sir; quite a number.

Q. To make a fund of it for the benefit of the club in the purchase of furniture and the providing of a room? A. That's it; for ourselves.

Q. Do you know Henry Matthews? A. Yes, sir; I am acquainted with him.

Q. Did he tell you anything about what he was expected to get, or was offered, or would get in this case if Mr. Lamont was seated?

Mr. GARDNER.— We object to that.

Mr. HIRSCHBERG.— It is only offered on the question of credibility. I should be very sorry to have to bring Mr. Matthews here to lay the foundation.

Chairman ROESCH.— The chair don't want any more of him.

Mr. GARDNER.— Mr. Matthews was on the stand and they didn't ask him the question whether he was to get anything for the success of this contest or not.

Chairman ROESCH.— We will allow it; let everything in that will give us any light on the subject.

Q. Tell what he said he was to get? A. Mr. Matthews reported in Washington street to two different persons that I know of and requested them to go with him down street to give his evidence so far as he knew.

Mr. GARDNER.— I object to that; that he wasn't there and don't know anything about it.

Q. What did he say to you, or in your hearing? A. That he was to get, in case this thing should prove a success in regard to Mr. Lamont, that he was to get \$100.

Chairman ROESCH.— Matthews said that to you?

The WITNESS.— I heard it.

Q. Who did he say it to? A. Mr. Major's wife.

Q. Pullman Major's wife? A. Yes.

Q. In your hearing? A. I heard it; yes, sir.

Q. When was that? A. I can't just say.

Q. How long ago? A. Oh, it was just before he first came up here; I can't say just now.

Q. Just before he came here as a witness? A. Yes; I didn't pay any particular attention.

Q. Did he want some one else to come and testify the same way? A. He asked for Reid, and he even sent a man to his own house to

interrogate Major's own wife to know if they had seen men coming out of Dawson's house with money, and he denied it afterwards, after he met this lawyer here; I forget his name.

Q. Mr. Gardner? A. He denied in Mr. Gardner's office he ever sent him there, but Gardner said he did; he promised Major fifty dollars if he would come and testify to this effect, whatever it should be.

By Chairman ROESCH:

Q. This was before Matthews came here first as a witness? A. Yes, sir.

Q. Where was this conversation had that you overheard; in Newburgh? A. Yes, sir.

Q. Where? A. Right by Mr. Major's house.

Q. Where is that in Newburgh? A. A little east of me.

Q. On what street? A. On Washington street.

Q. What number of the street? A. The streets are not numbered.

Q. Was it in the house? A. No, sir.

Q. In front of the house? A. She was standing by the gate and he was standing on the sidewalk; and Matthews is naturally a very loud talker.

Q. Where were you standing? A. No farther than from me to that gentleman there.

Q. This took place quite a number of weeks ago, did it not? A. I can't remember how long ago, but it was, perhaps, I will say a week or ten days; maybe twelve days; somewheres along there; before he came up here.

Q. Who did you first speak to about this conversation; who did you first tell that you heard Matthews say that he was to get a hundred dollars? A. The first one I spoke to about it was my wife.

Q. Did you tell anyone else but your wife? A. I don't know; I might have spoken to some members of the club about it; it wouldn't be necessary for me to tell any particular one, because it is all over Newburgh; the whole club.

Q. That Matthews said he was to get a hundred dollars if Lamont won this case; is that it? A. He said that he could get a hundred dollars, and he would insure him forty dollars.

Q. He said he could get a hundred dollars? A. That is what he said; he would get it.

Q. Sure about that? A. I don't know about his surety; that's what he said.

Q. Did he say he would get a hundred dollars if Lamont won this case? A. He said that if Lamont should take his seat he could get a hundred dollars, or was to get it.

Q. Did you talk with Matthews about it? A. No, sir; I don't talk to him no further than civility.

Q. Some trouble between you and Matthews? A. Not particularly; no, sir.

Q. You didn't speak to him at all about having heard that he was to get a hundred dollars? A. Yes; I told him that.

Q. What did he say? A. He denied it, but I knew better because I heard it and I told him I heard it.

By Mr. O'NEIL:

Q. You say he would insure him forty dollars; who do you mean by "him?" A. Major.

Q. The husband of the person with whom he was talking? A. Yes, sir.

By Mr. GARDNER:

Q. Did you afterwards talk with Major about it? A. No, sir; I had no talk with Major?

Q. Did you talk with Major's wife? A. No, sir; Major's wife came and told my wife about it.

Q. Major's wife came and told your wife about it? A. Yes, sir.

Q. Isn't that all you know about it? A. No, sir; because I heard this talk with Matthews before Major's wife told my wife of it.

Q. You know the club got \$600, don't you? A. No, sir; I don't.

Q. The statement that Mr. B. B. Odell made is false, is it? A. I don't know what his statements were.

Q. All these witnesses that have sworn, the treasurer of the club, Johnson, and all the other witnesses that they got \$600 is false? A. I don't know anything about it; they might have counted it; I didn't.

Q. Don't you know that that club got \$600? A. No, sir.

Q. Haven't you heard they got it? A. Yes.

Q. Who did you hear it from? A. I heard it from several.

Q. Don't you know there was a committee appointed by the name of Pelham, Alsdorf and Dawson to distribute the donation? A. No, sir.

Mr. O'NEIL.—I don't think that this is material. There is no question but they got \$600.

Mr. GARDNER.—I want to know as president of this club if he don't know what was done with the money?

Mr. O'NEIL.—He says he didn't get any.

By Chairman ROESCH:

Q. You are the president of the club? A. I was at the time.

Q. Were you in the club rooms one evening when Mr. Odell came in the rooms and addressed the members of the Sherman Club?
A. Yes, sir.

Q. Was there anything said that evening about the donation?

A. No, sir; Mr. Odell never said anything about donating anything; all he said was that he was satisfied we had always proven ourselves men, and he hoped we would do so on the next election; that was the night before election.

Q. Do you know who got the money, the \$600 in behalf of the club? A. I don't know anything about that because I wasn't there; after voting and doing my duty around the polls I went about my work.

Q. You say you are president of that club? A. I was at the time.

Q. There have been several witnesses here on the stand, members of that club who have sworn the club got \$600, and that that \$600 was divided and that some of them got three dollars, some got five dollars and forty-five cents; you are president of the club; do you want us to believe you didn't know anything about that? A. I didn't know that there was any money distributed or appropriated until after some of the members came to me and told me of it, and when I got there I didn't know anything about the amount of the money.

Q. When were you told about the money, after election day or before? A. Way along the afternoon, almost night.

Q. Of election day? A. On election day.

Q. Where were you all election day? A. I was around the polls.

Q. Working for the good of the party? A. Certainly.

Q. You had a right to do that; what is your trade or business?
A. Most all kinds of work, job work.

Q. What were you paid for your work election day? A. I wasn't paid anything; I wasn't employed by no particular person.

Q. You weren't paid anything at all for working around the polls election day? A. No, sir; I took an interest in the Republican party to that extent.

Q. How long have you been president of the Sherman Club?
A. Just one year.

Q. When were you elected president? A. Last February, a year ago this last month.

Q. How many members in the club the day before election or election day? A. Election day we had 110, so far as my memory serves me; I won't be positive; somewhere between 110 and 115.

Q. The club consisted exclusively of Republicans; only Republicans in the club? A. I supposed them to be such; took them to be such; I don't know what they voted.

Q. Did they live in different election districts? A. Yes, sir.

Q. Or all in one election district? A. Oh, no.

Q. In different election districts? A. Yes.

Q. Were there members of the club appointed to have charge of the different election districts? A. Yes, sir.

Q. Men on the part of the club to have charge of the different election districts? A. Yes.

Q. Were these men who were members of the club to have charge of the members of the Sherman Club living in those different election districts? A. How is that?

Q. Were those who were placed in charge of the different election districts as members of the Sherman Club, were they to look after the members of the Sherman Club that lived in those election districts over which they were placed? A. Each one that lived in his own district was appointed to look after the men that lived in that district.

Q. Was that man who was appointed to look after the men who lived in that district; was he the man who was to divide the money among them? A. We didn't know there was to be any money to be divided.

By Mr. HIRSCHBERG:

Q. What do you mean by saying there was a man in each district to look after the members of the club in each district? A. If any member of that club should approach a man to get a ticket for him to show him how to fold it; to give him all such instruction as he could.

Q. Nothing beyond that? A. No; he wasn't instructed to inform him there was anything behind that, because none of us knew anything about it; didn't expect it.

By Senator ENDRES:

Q. About what? A. About what he is speaking about in regard to any finances or anything of that kind.

By Chairman ROESCH:

Q. You say you were doing any kind of work you could get around election day? A. No; I understood you to ask me what my general work was.

Q. Anything you could earn some money at? A. General work.

Q. Were you doing anything election day at general work? A. I had nothing to do.

Q. Had nothing to do the day before election day? A. Yes, sir.

Q. Where were you working? A. Down on the corner of Lander and Broadway.

Q. Why didn't you work election day? A. Because I completed that work the day before; election day I had nothing to do particularly.

Q. You weren't paid for that day? A. No, sir.

By Mr. GARDNER:

Q. You say you didn't know how much money there was until you got there in the afternoon, is that so? A. I didn't know that there was any money there until after they came after me in the afternoon.

Q. Where did you go when they came after you? A. I was down street.

Q. Where did you go with them? A. Went down town.

Q. Whereabouts down town? A. Down to the corner of Lander and Broadway.

Q. To whose place? A. Mr. Toohey's.

Q. Who did you see there? A. I saw the inmates of the house there.

Q. Colored people live there? A. No, sir.

Q. You say you didn't count the money? A. No, sir.

Q. Who did? A. I don't know.

Q. You were in Alsdorf's that day? A. I was there after they came after me.

Q. What time of the day did you go to Alsdorf's? A. I couldn't say exactly what time.

Q. It was in the afternoon, wasn't it? A. Yes; good ways in the afternoon.

Q. After the polls had closed? A. I didn't take no particular notice whether the polls were closed or not.

Q. There were several in the house, weren't there? A. There was Mr. Alsdorf, myself and Mr. Dawson; I don't know; there were quite a number in there; I don't just remember now.

Q. How did you come to go to Alsdorf's that day? A. Because the party that came after me to tell me that there was some money there took me there.

Q. Who was the party that came to tell you? A. His name is Freeman.

Q. You went with Freeman to Alsdorf's house? A. Yes, sir.

Q. When you got there you saw some money, didn't you? A. I saw some.

Q. It was out on the table, wasn't it? A. Yes, sir.

Q. You didn't count it, did you? A. No, sir.

Q. What was that money there for, can you explain? A. I don't know what it was for no more than they told me it was a donation for the benefit of the club and they asked me what I thought best should be done with it.

Q. You say Dawson was there? A. Yes, sir.

Q. Was Pelham there also? A. I think not, but he was there before I came out; I think I saw him there before I went out.

Q. Isn't it a fact that when you were there there were some of those colored men that received a part of that donation at the time you were there? A. If they did I didn't know anything about it, what they were doing with it.

Q. If they took it you don't know what they did with it, do you? A. No.

Q. You can't state whether they took it for their votes or not, can you? A. I feel satisfied they didn't take it for no votes.

Q. What did they take it for? A. They took it because they proposed instead of as I advised them to put it in the bank, they wanted to divide it up and take their share and use it for themselves.

Q. That is what your understanding was as the reason why they took part of that money? A. I supposed that was it; I didn't suppose they took it for any votes for that purpose.

Q. How long did you stay there? A. I suppose fifteen or twenty minutes, may be, along there; I don't know; I couldn't say.

Q. Did you see James Dubois there in that room at the time you were there? A. There is two James Dubois'.

Q. Will you swear neither one of them was there at the time you were in the room? A. I don't remember of seeing either one of them.

Q. You some time since were arrested, weren't you, in the city of Newburgh? A. Since when.

Q. Within the last year? A. No, sir.

Q. Last two years? A. Possibly I was.

Q. What were you arrested for? A. I was arrested for nothing.

Q. What were you charged with? A. The charge was theft.

Q. Theft of what, stealing what? A. Stealing whisky, but the point was, was it proven that I was guilty?

By Mr. HIRSCHBERG:

Q. Was it proven? A. No; the man came in court and acquitted me; I paid for the whisky before I took it and I was discharged then and there.

Q. There has been an election in Newburgh last week? A. Yes, sir.

Q. Did the Sherman Club receive any donation then?

Mr. GARDNER.—I object.

Q. There was no change of any kind, the majority of the city of Newburgh was just the same.

Mr. GARDNER.—I object.

A. Every one of the Sherman Club voted the Republican ticket just the same without any dollar, and I stood out in the cold and storm and I received no more at this election than I did last fall, and it was a pleasant day last fall.

Q. Did you see any money paid last fall to anybody? A. No, sir.

Q. At that house or anywhere else? A. No, sir.

By Senator ENDRES:

Q. I heard you testify that when you got into Mr. Alsdorf's room there was some money laying on the table and the remark was made what disposition to make of this money; that it was a donation; what did you tell them to do? A. I advised them to put it in the bank for the benefit of the club, as it was so donated.

Q. That is what you advised them the evening before election? A. No, sir; there was nothing said about money the evening before.

Q. That is the only time you ever spoke about money? A. Yes.

Q. That afternoon of election? A. Yes, sir.

Q. You received no part of that money that was laying there? A. No, sir.

By Mr. WASHBURN:

Q. Did they put the money in the bank according to your advice?

A. I can't vouch for that.

GEORGE R. MARCET, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. One hundred and forty-six Smith street.

Q. What is your occupation? A. Waiter.

Q. In the city of Newburgh? A. Yes, sir.

Q. You have been engaged there how long? A. A little over two years.

Q. Were you a member of the Sherman Club? A. Yes, sir.

Q. How long have you been a member of the club? A. Shortly after it was organized.

Q. Were you a member in good and regular standing on the day of election last fall? A. Yes, sir.

Q. Did you receive any part of the donation that has been spoken of? A. No, sir.

Q. You were in the club? A. Yes, sir.

By Senator ENDRES:

Q. Do you know anything about any donation made to the club? A. No, sir.

Q. Were you present the day before election when Mr. Odell was there? A. Yes, sir.

Q. Did you hear anything said then about donation? A. No, sir.

Q. Have you heard anything said since the election about any donation? A. I have heard the newspaper talk.

Q. Didn't hear anything on election day? A. No, sir; I wasn't around the polls.

Q. You simply voted? A. Yes.

Q. You received nothing for voting? A. No, sir.

Q. At either of those three men's places, Alsdorf, Dawson and Pelham? A. No, sir; I didn't see those at all on election day.

By Mr. GARDNER:

Q. Were you at any time promised a part of this donation as a member of the club? A. No, sir.

Q. By anybody? A. No, sir.

Q. When is the first you heard there was a donation? A. I heard lots of people talking around; I suppose everybody in town heard it at the time I did.

Q. Did you hear anything about it before this case came off? A. I saw it in the *Telegram* the time Matthews made the statement; that was the first to my knowing anything about a donation.

THOMAS F. RYAN, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. Corner of Van Ness and Carpenter avenues.

Q. In the city of Newburgh? A. Yes, sir.

Q. That is the Ryan of whom the witnesses have testified; the Ryan Club was organized for boodle; you kept a house there last fall? A. Kept a saloon there.

Q. Were there any meetings there of a club known as the Ryan Club? A. No, sir.

Q. Was there any such club organized there to your knowledge? A. No, sir.

Q. Or any other club? A. There was one organized there as the Independent Democratic Club.

Q. Was it organized? A. I don't know; they had one meeting.

Q. Had you anything to do with it? A. No, sir.

Q. Who had the meeting there? A. I couldn't exactly name all that was there.

Q. Who presided? A. There was one man appointed as chairman, Philip Maher.

Q. Was there anything said there about getting money? A. Not that I know of.

Q. You would have heard it if there had been? A. I wasn't in the meeting; they were in the back room off the bar-room.

Q. How long were they there? A. I should judge about half an hour.

Q. Never came there again? A. No, sir.

Q. None of them? A. They came in and out for a drink.

Q. They never came there to hold a meeting? A. No, sir.

Q. Was there any committee appointed to go out and at a subsequent time to come there and make a report? A. Not as I know of; they never had a meeting after that night.

Q. Do you know anybody by the name of Foley that was there at the meeting? A. I know a young man by that name.

Q. What is his full name? A. There are two or three of them.

Q. That was there at the meeting? A. I couldn't say whether he was there that night or not.

Q. Mention anybody that you can say was there? A. I can't.

Q. Was there any Foley there? A. Not that I know of.

Q. You say no club was ever organized? A. Not as I know of any more than they had one meeting there; that is all.

WILLIAM REILLY, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. Newburgh; 242 Broadway.

Q. Were you there last fall? A. Yes, sir.

Q. A voter? A. I am.

Q. Did you vote last fall? A. Yes, sir.

Q. Do you know Abram Gutchess? A. I do; well.

Q. Did you see in the newspapers a report that he had testified on this examination that you told him you had received twenty shillings for your vote from the Republican party? A. I saw it in the newspapers, and when I asked him about it he said he would make an affidavit he never said such a thing.

Q. Is it true? A. No, sir.

Q. Did you tell him you had received twenty shillings from George Tygert? A. No, sir.

Q. Did you receive twenty shillings from George Tygert? A. No, sir; or from any other person.

Q. And you didn't tell him that? A. I didn't; he says so himself.

By Senator ENDRES:

Q. He told you he was willing to make an affidavit? A. He told me when I brought a letter to him, a letter of contradiction, that he said wouldn't sign it, because he said he never testified to such a thing in Albany; that he was willing to make an affidavit to; I came up here on this special purpose to-night.

JOSEPH RYDELL, recalled:

By Mr. HIRSCHBERG:

Q. Mr. Raiser testified that Mr. Rydell stated to him that he had money enough to defeat his God damn man Lamont; did you make use of any such words to Mr. Raiser or to anyone else on election day last fall? A. No, sir.

Q. Did you have any money at all that day? A. No, sir.

Q. Did you use any money against Mr. Lamont or anyone else that day? A. No, sir.

Q. Did you have any occasion to use anything of that kind? A. No, sir.

Q. Did you have any talk with Raiser at all? A. One or two words.

Q. What? A. We weren't very good friends.

Q. No reference to Mr. Lamont? A. No, sir.

Q. Or to election? A. No, sir.

Q. How long have you and he been unfriendly? A. I never was much of a friend of his.

Cross-examination :

By Mr. DIMMICK:

Q. On your last examination you testified that no one but members of Lawson Hose went in the hose-house on election day? A. I did.

Q. Was that true? A. There are not allowed there.

Q. But they were there, were they not, other persons with members of Lawson Hose? A. I don't stay there all the time.

Q. You saw persons there other than members? A. No; I don't know particularly whether there was or not; parties came in and out.

Q. Persons other than members of that hose company came in and out there on election day? A. I suppose they did; they don't make a practice since this new ballot went in force.

By Mr. HIRSCHBERG:

Q. Not electioneering? A. No; because they are very evenly divided.

WILLIAM FOSHAY, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. Newburgh.

Q. Whereabouts in Newburgh? A. No. 282 Washington street.

Q. Did you live there last fall? A. Yes, sir.

Q. Were the polls in the fifth district of the first ward held in your house? A. Yes, sir.

Q. State whether or not you were at home that day? A. I was at home all day.

Q. Do you know Mr. Dieseroth? A. Yes, sir.

Q. He has testified there was a back room, in your house, back of the polling place, and that persons generally promiscuously had access to the polling place from that room? A. Allowed nobody in but the inspectors; when they came in in the morning they generally put their overcoats 'in; we use it for a kitchen up and down, my wife does, to get things out of the closet.

Q. Who, outside of the inspectors, had access to it that day? A. Nobody—only myself and my family.

Q. Did anybody go in the polling place through that room outside of the inspectors, watchers, poll clerks and ballot clerks? A. No, sir.

Q. If there had been persons going in and out promiscuously, would you have seen them? A. Yes, sir; and I would have put them out.

Q. Are you positive nothing of that kind occurred? A. Yes, sir.

Q. Did you have any instructions to keep the place clear from outsiders? A. Yes, sir.

Q. From the inspectors? A. Yes, sir; the chairman.

Q. Did you obey such instructions? A. Yes, sir; I wouldn't allow anybody in there anyhow; I don't rent it to the city—that apartment—only the store.

Q. Only the store where the polls were held? A. Yes.

Q. The other part you reserve for yourself and your family? A. Yes.

Q. Nobody else had a right there? A. No, sir.

Q. And, as matter of fact, didn't go there? A. No, sir.

Q. Did you see McChristen there? A. Yes, sir.

Q. What was his condition during the day? A. He was all right.

Q. And at night? A. Yes, sir.

Q. The same as the other inspectors? A. I locked the door after that when they went out.

Q. You saw him when he went out? A. Yes.

Q. Did he go out all right? A. Yes, sir.

Q. Straight and sober? A. Yes, sir.

Cross-examination.

By Mr. GARDNER:

Q. Do you keep a store where the polls are held? A. No, sir; I don't keep no store.

Q. What business were you engaged in? A. I am a musician.

Q. You a Republican, vote the Republican ticket last fall? A. Generally on presidential election, usually do; in charter elections I generally pick my man.

Q. You generally vote the Republican ticket? A. Yes, sir.

Q. Where were you last election day? A. In the back room and upstairs.

Q. In your back room and upstairs? A. Generally upstairs.

Q. Were you out doors that day? A. Yes, sir.

Q. Were you far from the polls; were you within a block or two of the polls? A. I went as far as the grocery store on the corner for my wife on errands.

Q. How long were you upstairs? A. Five and ten minutes.

Q. At a time? A. About that.

Q. During different times of the day? A. Once in a while I would take a slip upstairs and back again.

Q. While you were upstairs, as you have stated, during those times; are you quite sure that there weren't persons promiscuously going in and out of the room below? A. I left strict orders about that.

Q. I am not asking you that; are you sure persons weren't going in and out of that room promiscuously in the room below while you were upstairs? A. No; I don't think there was.

Q. When you answered Judge Hirschberg that there were no passage promiscuously by persons in and out of that room during that day, you meant to say while you were in the room or about the place below, didn't you? A. I didn't allow nobody to go in the back room while I was there.

Q. You meant when you were there no persons passed in and out?
A. No, sir; there was not.

Q. That is the time you meant? A. Yes, sir; I was there about all the time, except I would run upstairs and down.

Q. When you were upstairs you couldn't see? A. No.

Q. When you were out to the grocery store you couldn't see, could you? A. No, sir.

By Mr. HIRSCHBERG:

Q. Who did you leave in charge when you went upstairs and when you went to the grocery store? A. Generally my wife was there.

Q. You left strict instructions with her not to let anybody in?
A. Yes.

Q. Your wife is like all other wives, always obeys her husband?
A. Yes, sir.

By Senator ENDRES:

Q. How long were you away during the day altogether? A. I wasn't away.

Q. An hour or so? A. No; I wasn't away for an hour.

Q. When you went to the grocery store and upstairs, how much did that amount to? A. About fifteen or twenty minutes.

Q. All told? A. Yes

JACOB HERMAN, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. Seventh district of the first ward of Newburgh.

Q. You are a brother of Fred Herman? A. Yes, sir.

Q. Were you one of the watchers at the polls in that district on election day, last fall? A. Yes, sir.

Q. On page 107 of the minutes a witness testifies that you handled votes in that district, while they were being counted? A. Nothing more than to straighten a pile up as it was falling over, to prevent its going to the floor.

Q. State fully about that; whose pile was it? A. One of the Republican inspectors; Mr. Leonard, one of the Democratic watchers, went to catch for them the same I did; they were toppling over, and would have gone to the floor if one of the two of us hadn't caught them; I am not certain whether I did it with my lead pencil or with my hand.

Q. You didn't count any votes? A. I did not.

Q. You didn't really handle any of them? A. No, sir; not really handle them.

Q. Did you observe that they were counted correctly? A. Yes, sir.

Q. Were they? A. As far as I know.

Mr. GARDNER.—We would bring the attention of the committee to one fact, that there are several of these witnesses who have testified to facts which are not in contradiction of the testimony of the witnesses produced on the part of the contestant.

Mr. HIRSCHBERG.—This is in direct contradiction.

Mr. GARDNER.—It is not. The testimony of our witnesses on that subject was that this man handled ballots.

A. I did not handle no ballots; Mr. Dickson says if he swore that way he swore false.

Mr. GARDNER.—That is handling ballots. I want to bring that fact to the attention of the committee. We had several witnesses sworn here that the committee did not pay their fees on the ground unless they swore to something that amounted to something they couldn't get their fees. Our witnesses testified that this man handled ballots while they were being counted. He says in substance that he did handle ballots by having his hands on them.

The WITNESS.—I didn't say I had my hands on them. I wouldn't swear it was my hand or pencil.

Mr. GARDNER.—That is negative testimony.

ALEXANDER LESLIE, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. Newburgh.

Q. Were you at the third ward polls in the second district last fall?

A. Yes, sir.

Q. In what capacity? A. I was the poll clerk.

Q. Were you there all day? A. From the time of the opening of the polls.

Q. Did you count any ballots? A. Yes, sir.

Q. How many did you count? A. I think about thirty.

Q. Were they divided between the three or four political parties?

A. The two.

Q. You didn't count the Prohibitionist? A. The tickets were all there, but they were counted by the Democrats and Republicans.

Q. Those you counted, were they all one kind of tickets or promiscuous tickets? A. Promiscuous tickets.

Q. Did you count correctly when you counted? A. Yes, sir.

Mr. GARDNER.—We do not deny that.

Mr. HIRSCHBERG.—We do not ask you to deny it.

Mr. GARDNER.—We admit it.

Q. Did the others that were there count correctly? A. As far as I know.

Q. Was the result correctly ascertained and certified to? A. It was.

Q. Were you present when the ballot box was opened that day?

A. Yes, sir.

Q. Did you hear the testimony of the other witnesses? A. I read it.

Mr. GARDNER.—We admitted that at the last hearing. This illustrates our contention.

Mr. HIRSCHBERG.—You admit the result was correct in that district?

Mr. GARDNER.—No, sir; nor he isn't swearing it was.

Q. Did anybody else verify your account? A. Yes; the Democratic watcher; he looked over.

By Mr. GARDNER:

Q. Those piles were counted separately? A. By each inspector; each one had a pile.

Q. There was a poll clerk counting? A. Yes.

Q. Two of them? A. Yes; one of each party.

Q. You didn't count after the poll clerks? A. I was the poll clerk.

Q. You didn't count after the other poll clerks? A. No, sir; each had a watcher; they said correct; each watcher said "all right."

Q. You didn't go over his ballots? A. The one that was watching me hadn't no ballots.

Q. You didn't go over the other poll clerk's? A. No, sir.

Q. Or inspector's? A. No, sir.

Q. All you know about its being correct is what they said? A. All I know about being correct, is what I counted.

Q. If you didn't count their piles you can not state as a fact whether they counted correctly? A. Each one called off his pile.

Q. If you didn't count the other inspector's pile, then you are not able to state whether they counted them correctly or not, are you? A. No, sir; I am not.

Q. Then you are not able to state whether the whole result was correctly announced, are you? A. As we each counted and added up, it brought out the correct count; it was admitted by the whole board it was correct.

Q. That is the only way you know? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. As the result was footed up, it balanced with what the outside vote should be? A. Yes, sir.

Q. Each inspector and each poll clerk, as he counted, had a watcher of the opposite political party watching him, and verifying his count?
A. Yes, sir.

By Senator ENDRES:

Q. Did it tally with your poll list? A. It did.

WILLIAM B. WHITE, being duly sworn, testified as follows:.

By Mr. HIRSCHBERG:

Q. Where do you reside? A. Lander street, Newburgh.

Q. Did you live in Newburgh last fall? A. I did.

Q. Were you one of the inspectors of election in one of the districts of the first ward? A. Yes, sir; I was in the fifth district of the first ward.

Q. Were you chairman of the board? A. I was.

Q. State to the committee what was taken as the standard for the straight Republican and straight Democratic tickets in making your return? A. The head of the ticket, with the Governor's name —

Mr. DIMMICK.—We object to that; the returns show for themselves.

Mr. HIRSCHBERG.—They do not show that; they show how many straight tickets were returned.

Senator ENDRES.—Let him answer. It won't do you any harm.

Q. The number of votes cast for Governor Flower were called the straight Democratic votes? A. Yes, sir.

Q. And the number of votes cast for Mr. Fassett were called the straight Republican votes? A. Yes, sir.

Q. That is the reason why Lamont or Richardson may have got less votes than were returned as straight Democratic or Republican tickets? A. Yes, sir; we counted every ticket.

Q. You counted each name separately? A. Yes.

Q. If any one on the ticket received less votes than was returned as straight Democratic or straight Republican tickets, it was because the ticket was split? A. Yes.

Q. Did you return the split tickets, the samples; a sample of each split ticket? A. No, sir; we didn't understand the law that way.

Q. Was McChristen there all day, the Democratic inspector? A. Yes, sir.

Q. What was his condition? A. He was all right.

Q. All day? A. Yes, sir.

Q. And at night? A. Yes, sir; he counted the same as the rest of the inspectors, only a little slower.

- Q. That a matter of temperament? A. It was new business to him.
 Q. He was not as familiar with the business as the others? A. No.
 Q. With that exception he appeared to count as well as the rest?
 A. Yes, sir; he was perfectly sober.
 Q. You have no doubt of it? A. I have no doubt of it.

Cross-examination:

By Mr. GARDNER:

Q. The ballots you returned, you attached to the return, were the straight ballots? A. I don't quite understand your question.

Q. You attached to the returns straight tickets? A. To the statement of canvass?

Q. Yes. A. Yes, sir; we attached the ballots.

Q. The only ballots you attached were the straight ballots? A. I think that was all; it is quite a while ago and I can't remember directly.

Q. The ballots will show for themselves, of course, on examination whether they were in conformity with the law? A. Yes, sir.

Q. What did you do with the split ballots that you didn't attach?
 A. I don't understand that question.

Q. There were split ballots; all of them in fact, or at least none of them were attached to the return? A. Do you mean all the split, those which had pasters attached?

Q. Yes. A. Yes, sir.

Q. You didn't return any of them with the return, did you? A. I don't think I did.

Q. They were destroyed, weren't they? A. I am not certain; I am quite positive they were though.

Q. Are you able to state as a fact the size of those split ballots which you are quite positive were destroyed, can you tell how wide they were? A. They were the official ballot.

Q. Are you able to state now how wide they were as a fact? A. In appearance they were the same as the other ballot; if there had been any discrepancy we would have undoubtedly noticed it.

Q. You are able to state they were as long as the other ballots?
 A. I think they were; yes, sir.

Q. If you should be shown some of those ballots you would be able to identify them, wouldn't you, now? A. I don't think I would.

Q. If any of them were preserved do you think you could identify some of these ballots? A. I don't think I could now; no, sir.

Q. Why? A. I don't think I could, because it is a considerable while since I saw the ballots.

Q. Did you see all the ballots that were counted that night? A. No, sir; I didn't count them all; I saw them as the general pile of ballots.

Q. You counted a separate pile by yourself? A. Each inspector counted his pile.

Q. If you didn't see all the ballots that night, then are you able to state they were all in conformity with the law? A. All the ballots I counted, to the best of my knowledge and belief.

Q. That you saw? A. Yes.

Q. You didn't see them all? A. I saw them, but I didn't have them in my hand.

Q. Did you particularly examine all of them? A. No more than to observe that they were official ballots.

Q. Are you able to state whether there were any marks on any of the ballots which you didn't count? A. No, sir; there was none on the ballots I counted.

Q. Were there any marks on the ballots you did not count? A. That I don't know.

Q. If there were any marks on the ballots, what was your duty to do under the law?

Mr. HIRSCHBERG.—I object to that as immaterial.

Mr. GARDNER.—I have the right to ask him as to his means of knowledge, his intelligence on the subject.

Mr. HIRSCHBERG.—Go on.

Q. What was your duty, under the law, as inspectors, in the disposition of the ballots which had marks on them? A. If any had marks on, I suppose they would be defective ballots.

Q. What would you do with them? A. Whatever the law directed.

Q. What did the law direct? A. I am not positive what it directs; I think they were to be marked on the statement of canvass and attached to the returns, for the supervisors to act on.

Q. That is the impression you had at that time? A. Yes, sir.

Q. And it is your impression now? A. Yes, sir.

Q. If a ballot was not quite as wide as the official ballot, what disposition were you to make of that ballot? A. It would be a defective ballot according to the law, as near as I remember.

Q. If the ballot had a paster upon it, would that be similar to a ballot that didn't have one on; wouldn't that be a ballot of a certain kind, different from the straight ballot? A. Certainly, it would be a different ballot.

Q. Wasn't your understanding of the law at the time you made the return that you had to attach each kind of the ballot to the return?

A. I didn't understand it that way; I understand it only as a party ballot.

Q. If there were ballots counted by the inspectors that night which were not in accordance with the law you didn't attach them? A. There were none in the pile I counted, I am quite certain; I knew the law pretty well at the time, but my business is such I can't give attention every day to elections.

Q. There may have been defective ballots there counted that night for Mr. Richardson and you not know it? A. I don't see how there could have been, there were competent watchers there.

Q. The watchers may have made a mistake? A. They didn't do the counting, they only looked over.

Q. The other inspectors might have made a mistake? A. I suppose most anybody is liable to a mistake, yet the returns all footed up even.

Q. The returns wouldn't show the way you made them, whether there were any defective ballots or not, would they? A. If there was a ballot more counted in a pile than should be there, it would be one more than the total vote.

Q. Will you state as a fact that there were no ballots counted there that night by the board of inspectors which were defective or not in accordance with the law; will you state as a fact that there were no defective ballots counted by the inspectors that night? A. I know I counted none.

Q. Will you state as a fact that there were no defective ballots counted there that night by any of the inspectors? A. No, sir; I can't answer for the others.

By Mr. HIRSCHBERG:

Q. If there were, as Mr. Gardner has asked you, defects in ballots which you didn't see and don't know anything about, you don't know whether it was or not? A. What is that?

Q. If there were any defective ballots which you didn't see you are not able to say whether they were counted or not? A. No; I thought every gentleman was competent to act as inspector.

Q. Did you count correctly what you counted? A. Yes; I am positive.

Q. The result was certified correctly, so far as your ballots were concerned? A. Yes, sir.

By Mr. O'NEIL:

Q. You were posted as to the law at that time? A. Yes, sir.

Q. Did you follow the law strictly? A. I did, to the best of my knowledge and belief.

By Mr. HIRSCHBERG:

Q. There was no complaint made by the watchers that you didn't?

A. No, sir; they were all intelligent men.

By Mr. WASHBURN:

Q. Attached to that return is a regular straight Democratic ticket, and there is a memorandum, a party ticket, as you call it, and partly upon that ballot and partly upon the sheet to which it is attached is the statement there were seventy-six ballots like this received; do you remember the attachment of a ballot of that kind; there is a straight Republican ballot, marked as having been one of 138; state to the committee what you mean by that statement that there were seventy-six ballots like the straight Democratic ballot? A. As I said before, the seventy-six, as I understood, were Mr. Flower's tickets.

By Senator ENDRES:

Q. That was a straight ticket, containing all the Democratic candidates; is that what you mean to testify to; the seventy-six ballots were seventy-six tickets containing the names of the entire Democratic ticket? A. That is what I testified to.

Q. The Republican ticket the same way? A. Yes, sir.

Q. Were any pasters on or any erasures on it? A. I don't understand whether there was any or not; I can't testify to that, my memory doesn't recall it.

By Mr. WASHBURN:

Q. You know what is meant by a straight ticket? A. No; I don't know as I do.

Q. Do you know what a split ticket is? A. I understand the matter in a different light perhaps since you have spoken about it; as I understood the law to read, it was the number of tickets that had been voted with a separate name of the party; that is, the Republican ticket might have been scratched and so on, and the Democratic the same, the Prohibitionist and the Labor, and Independent.

Q. There were delivered to voters in that district official ballots containing the names of only Democratic candidates; such ticket is attached to your return, accompanied by a statement that there were seventy-six such ballots received; will you state what the meaning of that statement is? A. I didn't understand the law to say—

Q. I ask for the meaning of that statement, as you certified to it as an inspector?

By Senator ENDRES:

Q. Who wrote out the return? A. Each inspector wrote out his own return, and then we all signed them.

Q. You wrote out one? A. Yes.

By Mr. WASHBURN:

Q. This statement that there were seventy-six ballots like this received partly upon the Democratic State ticket, was a part of the return which you certified to as an inspector; I ask you to tell the committee what that statement meant? A. As near as I remember it meant there were seventy-six of such tickets cast for the head of the ticket; that is what I meant for it.

Q. Seventy-six votes like that for Governor? A. Yes.

Q. Without any regard to the rest of the ticket? A. Taking the head of the ticket as being the straight name; that is the way I understood it.

By Senator ENDRES:

Q. That is your rule that you adopted? A. Yes.

By Mr. HIRSCHBERG:

Q. If you said there were 138 ballots cast for the regular Republican ticket, you meant for Fassett? A. Yes.

Q. A less number might have been cast for any other man on that ticket whose name was scratched off? A. Yes.

By Mr. WASHBURN:

Q. Then that statement was not true that there were seventy-six tickets like this? A. It was true, as I understand the law.

Q. There strictly were seventy-six ballots containing the name of each and every Democratic candidate? A. I didn't say that; I said the head of the ticket.

By Mr. HIRSCHBERG:

Q. In your return as you signed it, you return 138 votes for Fassett? A. Yes.

Q. He received 138 votes? A. Yes.

Q. You have returned 133 votes for Richardson; he received less votes than Fassett? A. Yes.

Q. His name was on Fassett's ticket? A. Yes.

Q. It was on the sample? A. Yes.

Q. Richardson didn't have 138 votes? A. No, sir.

Q. He didn't have 138 votes of the same kind that that ticket showed? A. No.

Q. Because you took Fassett as the standard? A. Yes.

Q. And returned the other names separately, with the votes cast for them? A. Yes.

Q. You didn't mean there were 138 votes cast for every name on that Fassett ticket? A. No, sir.

By Mr. WASHBURN:

Q. Then the statement was not true? A. I understood it to be positively true.

Q. You state positively there were 138 ballots like this? A. For the head of the ticket.

Q. It does not say so on the return, and the ballot upon which this statement is written contains the name of Mr. Richardson for senator, and you certified to the statement there were 138 ballots like this, one which contained the name of Mr. Richardson for senator, and you also certified in same return Mr. Richardson only received 133 ballots; is it possible for both of these statements to be true, exactly as they are made? A. One hundred and thirty-eight meant it was a Republican ticket.

Senator ENDRES.— Do you attack the returns in that election district?

Mr. WASHBURN.— We do.

Mr. HIRSCHBERG.— They attack the return, we want to show only how it was made.

Mr. WASHBURN.— We are simply cross-examining the witness on the testimony he has given.

Mr. HIRSCHBERG.— It is clear to the committee how it was done.

Senator ENDRES.— I understand.

EUGENE FARRINGTON, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. You are the other, the third, inspector of election from the district in which the last witness was an inspector? A. Yes, sir.

Q. Did you count a third of the votes? A. I did.

Q. Did you count all of the votes cast that day except those that were counted by Mr. White and Mr. McChristen? A. I did.

Q. State whether or not what you counted were correctly counted? A. They were.

Q. And whether or not they were certified in the return correctly? A. They were.

Q. For each candidate of each of the four parties? A. Each and every one correct.

Q. Will you state what was adopted by the board as the standard for what they called straight tickets and was returned? A. First we adopted, we thought we would take the head of the ticket, so many for Fassett; we called that the straight Republican ticket, and we counted the splits in with the regulars, just the same.

Q. Gave each candidate what he got? A. Yes.

Q. Is that the reason it appears some candidates received less votes than what was returned for the head of the ticket? A. Yes.

Q. Was Mr. McChristen there all day? A. He was.

Q. State what his condition was? A. He was perfectly sober all day long.

Q. And during the night while the vote was being counted? A. Yes, sir.

Q. Anybody else count his ballots but himself? A. Nobody but himself.

Q. Some evidence has been given here about Mr. Taylor calling attention to an error? A. Mr. McChristen was counting and made a mistake, and the chairman called his attention to the mistake; I think it was on Lieutenant-Governor, and he counted the ballots over, and when he came to the ballots Jimmy Taylor told him there is where his mistake was, and another time he kind of knocked the ballots with his elbows, and Jimmy pushed them back on the table; I stood right alongside of him.

Q. What became of the split tickets? A. That I ain't sure.

Q. If they were not returned they were destroyed? A. We destroyed some there; we stood and watched them burn; I wouldn't say for sure whether we returned the split tickets or not.

Q. Did anyone else besides the inspectors count the ballots? A. No, sir.

Q. Did anyone else, except those entitled by law, come in there during the day or evening? A. No, sir.

Q. No one promiscuously from the back room? A. No, sir.

Cross-examination :

By Mr. DIMMICK:

Q. Mr. Forshay came in and out? A. Not through the polls.

Q. Wasn't he out in the polling-room at all? A. I don't think he was out there unless he was called; I think I called him once.

Q. Then he came out through the door? A. He came out when I called him.

Q. You only recall one occasion? A. That is all.

By Mr. HIRSCHBERG:

Q. What for did you call him? A. There was a drunken man came in to vote, and I didn't want to leave him behind the railing, and I asked him to come in and put him out; and just at that somebody opened the door and told him to come out.

JOHN F. COLWELL, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you reside? A. Middletown, 29 Grant avenue.

Q. You lived there last fall? A. Yes, sir.

Q. Were you a ballot clerk at one of the polling places? A. Yes, sir.

Q. At what polling place? A. Second district, first ward.

Q. Who were the other poll clerks? A. Mr. Tator and Edgar Sproat.

Q. Were you there when the ballots were counted? A. Yes.

Q. Did Mr. Sproat, who was a ballot clerk, take part in the count? A. Yes, sir.

Q. Do you know whether his count was verified by any of the inspectors? A. I think they were.

Q. Did they count them over after him? A. Yes, sir.

Q. Were the inspectors there during the day? A. Yes, sir.

Q. Was there any time when they were all absent at one time? A. No, sir.

Q. Was there a time when there was but one there? A. Sometimes, at dinner time.

Q. How long? A. Go for about an hour, something like that; time for dinner.

Q. Who were the inspectors? A. A. E. McIntyre, J. Frank Cowell, and Sweeney.

Q. Isn't it a fact there were times when none of the inspectors were there at all? A. On registering day there was.

Q. Isn't it a fact there wasn't any one there at all? A. There were times.

Q. What times were those? A. Along about noon.

Q. Wasn't it before noon? A. Sometimes.

Q. Left the clerk there? A. Yes, sir.

Q. Did people register during that day? A. Yes, sir.

Q. With no inspector there? A. No inspector.

Q. Do you remember the majority in that district for Mr. Lamont? A. I think it was sixty to sixty-five.

Cross-examination :

By Mr. WASHBURN:

Q. What was your position at the polls? A. Poll clerk.

Q. You didn't see the ballots there when they were counted? A. Yes, sir.

Q. See any marked ballots? A. Nothing more than a scratch; that is, the names.

Q. Names scratched out? A. That was all.

Q. Any peculiarity about the manner in which that name was scratched out in any case? A. No, sir.

Q. All scratched out exactly the same way? A. No, sir.

Q. Did you notice any considerable number of ballots on which the candidate for justice of sessions had been scratched out? A. No, sir.

By Mr. O'NEIL:

Q. What are your politics? A. Democrat.

Q. You voted the Democratic ticket? A. Yes, sir.

Q. And you were the Democratic poll clerk? A. Yes, sir.

HENRY KUYKENDALL, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you reside? A. Summitville, Sullivan county, town of Mamakating.

Q. What district? A. Third district.

Q. What was your business there last fall? A. Inspector of election.

Q. Who was chairman of your board? A. Mr. Bell.

Q. Is he here? A. Yes, sir.

Q. Were you there when the ballots were received in the morning? A. Yes.

Q. Who brought them there? A. Ed. Stanton.

Q. Did you make an inspection of them? A. Yes, sir; and counted them over.

Q. What did you find? A. Before we receipted for them we counted the ballots.

Q. Each one separately? A. Yes, sir.

Q. What did you find? A. We found them all straight.

Q. Was the sample ballot there, the first district, sent to your district? A. Yes, sir; we had the first district sample ballot.

Q. Is it a fact the Republican official ballots were all properly indorsed? A. Yes, sir.

Q. You know that? A. Yes, sir.

Q. Third district? A. Yes, sir.

Q. You were there all day? A. Yes, sir.

Q. Did you see John Erwin there? A. Yes, sir.

Q. What was his business? A. He didn't have any.

Q. Was he a Democratic worker? A. Yes, sir.

Q. Is it a fact that during any time that day Mr. Erwin or anyone came to the inspectors or clerks and made complaint that the official ballots were not properly indorsed? A. No, sir; I think not.

Q. No such complaint made? A. No, sir; not that I heard of.

Q. Was Mr. Erwin there that night when the ballots were counted?
A. Yes, sir.

Q. Watching? A. Yes, sir.

Q. Who else was there watching on the Democratic side? A. He wasn't a watcher.

Q. Did they have watchers there? A. Yes, sir; Charley Banks and Billy Boice.

Q. Were they there at the time the votes were counted? A. Yes, sir.

Q. Was there any question raised there as to the irregularity of the ballots? No, sir.

Q. The ballots were counted by the inspectors? A. Yes, sir.

Q. Properly counted and correctly counted? A. Yes, sir.

Q. Where were you when you looked over the ballots? A. We were in where we voted.

Q. Who brought the ballots there? A. Ed Stanton.

Q. Behind the rail? A. Yes, sir.

Q. Was Erwin there at that time? A. Yes, sir.

Q. Was Mr. Bell there? A. Yes, sir.

Q. Was Mr. Stoddart there? A. Yes, sir.

Q. Was Mr. Tice there? A. Yes, sir; he was there.

Q. You are willing to swear positively all the Republican ballots you saw were properly indorsed the third district? A. I counted them myself that morning; I made a mistake the first time, and made two short in the morning, and I went over them the second time.

Q. And you made a close inspection to see they were properly indorsed as well as the count? A. Yes.

Q. You found them correct? A. In every respect; found nothing wrong about them at all.

Q. What was the color of the official ballot; the Republic official ballot? A. I don't know as I could tell the color exactly.

By Mr. HIRSCHBERG:

Q. The official ballots were all one color? A. Yes.

Q. The sample ballots all one color? A. Yes.

Q. Weren't the official ballots all white? A. I think so.

Q. And the sample ballots a tinted color; brown, red? A. Yes, sir.

Cross-examination :

By Mr. GARDNER:

Q. In counting those ballots, did three of you participate in counting them in the morning? A. Yes, sir.

Q. You divided them in how many piles? A. Each ticket was separate, in separate packages, Republican ticket, Democratic ticket, Prohibitionist; I counted the Republican ticket.

Q. Can you give the indorsement as it was on the ballot now? A. It was printed on, the signature of the county clerk was written on.

Q. State the indorsement? A. Third district, town of Mamakating.

Q. State it in the way in which it appeared? A. I don't know as I could.

Q. Is that all that was on it? A. That is all, I think, was on; just the county clerk's name and the number of the district and town; I think that was all that was on.

Q. You can't think of anything else? A. No, sir.

Q. That was all there was on it? A. I think so.

By Mr. WASHBURN:

Q. Were you present at the town meeting a year ago this spring, in that town? A. Yes, sir.

Q. Were the ballots voted at that town meeting indorsed in the same manner?

Mr. O'NEIL.— We object to that as immaterial.

The WITNESS.— I don't know as I could tell that.

HARMON TICE, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you live? A. Phillipsport, town of Mamakating, Sullivan county, third election district.

Q. What is your business? A. Railroad man.

Q. Did you have any occupation there last election day? A. Yes, sir.

Q. What was your position? A. I was the Republican ballot clerk.

Q. The fall of 1891? A. Yes, sir.

Q. Were you there all day? A. Yes, sir.

Q. Were you there when the ballots were received in the morning?
A. I was.

Q. Were they counted over? A. They were counted over.

Q. Any question raised as to the irregularity of the ballot in any respect? A. No; I didn't see nothing or hear nothing.

Q. Do you know John Erwin? A. Yes, sir.

Q. Where does he live? A. He lives about a quarter of a mile west of me.

Q. I mean the person that has been sworn upon this investigation?
A. Yes, sir.

Q. You were here the night he was sworn? A. I was.

Q. Did you hear him testify that he came to the ballot clerks and made complaint the ballots were not regularly indorsed? A. I heard him swear to that effect here.

Q. Is that so? A. He never came to our desk and made that complaint at all, not to my knowledge.

Q. Who was your associate there? A. Barnard Pearl.

Q. Did he make it in your hearing, any such complaint, or any other person? A. No, sir.

Q. Was there any question raised there that day by any person as to the regularity of the ballots? A. Not to my knowledge.

Q. Did you see the ballot you voted? A. Yes, sir.

Q. You voted the Republican ticket? A. I suppose I did.

Q. You know you did? A. I intended to.

Q. Is it a fact your ticket was numbered correctly? A. I ain't going to swear positive to that; I can't remember it; I don't remember whether it was district number three, one or two.

Q. You would have remembered if there had been any such irregularity upon your ticket? A. I think I would have took notice of it.

Q. What was your business there, to see the tickets were regular and regularly numbered? A. Yes.

Q. You say positively Mr. Erwin made no such complaint to you or in your presence or hearing? A. He did not.

Q. Was Mr. Erwin there all day? A. Except when he went to his dinner.

Q. Was he there in the evening when the ballots were counted?
A. He was.

Q. Did he raise any question then as to the irregularity of the ballots? A. Not to my knowledge.

Q. Did anybody raise any question? A. Not to my knowledge.

Q. Were the ballots regularly counted? A. Yes.

Q. And accurately counted? A. I suppose they were; there was no complaint found.

Cross-examination.

By Mr. GARDNER:

Q. Were you there all day? A. I was there all except about half an hour.

Q. When was it? A. Dinner time.

Q. During that time Mr. Erwin might have made objections and you not know it? A. I don't know anything about that, when I was to my dinner what transpired.

By Mr. O'NEIL:

Q. You are positive he made no such objection when you were there?

A. I will swear positive when I was there he made no such remark, not to our desk where I was stationed.

Q. Who was next to you? A. Mr. Pearl.

Q. Who was the inspector nearest you? A. John W. Bell.

By Mr. WASHBURN:

Q. Were you the ballot clerk nearest to the inspector? A. I was the ballot clerk nearest to the foreman of the board, John Bell.

Q. Would it have been possible for Mr. Erwin to have any conversation with Mr. Bell that you didn't hear? A. There are possibilities.

Q. Do you think you heard every word of conversation that passed between Mr. Bell and every other man who came to the polls? A. I didn't hear to anybody.

Q. Did you hear every word that Mr. Bell said and every word that was said to Mr. Bell that day? A. Oh, no.

JOHN W. BELL, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you reside? A. Phillipsport, Sullivan county.

Q. Do you vote and live in the third election district in the town of Mamakating? A. Yes, sir.

Q. You were inspector in that district last fall? A. Yes, sir.

Q. Were you chairman of the board? A. Yes, sir.

Q. Do you know John Erwin? A. Yes, sir.

Q. You know him well? A. Yes, sir.

Q. He is what you call a sterling Democrat? A. He is.

Q. And a worker? A. Yes, sir.

Q. Was he there during election day? A. Most of the day.

Q. What was his business there? A. He was working around the polls.

Q. Was he there when the votes were counted? A. I think he was.

Q. Did he during that day say to either you or to any person in your presence, that the official ballots were not properly indorsed and numbered? A. No, sir; he did not.

Q. You would have known it if he said it; did anybody question the regularity of the ballots that day? A. No, sir.

Q. Did any one say that ballots were not properly numbered? A. No, sir.

Q. Did any one say you had the ballots that belonged to the first election district? A. No, sir.

Q. Did you hear any question raised as to the regularity of the ballots until Mr. Erwin was sworn here? A. I did, three or four weeks after election.

Q. By whom? A. By J. D. Boice.

Q. It is a fact, isn't it, that the sample ballot from the first district was sent to your district and your sample ballots were sent to the first district? A. The sample ballots, I don't know that I noticed the indorsement on to them.

Q. You voted there that day? A. I did.

Q. You looked at the Republican ballot? A. Yes, sir.

Q. State whether or not they were indorsed for the third district? A. I can't answer positive that they were.

Q. To the best of your judgment? A. To the best of my judgment the ballots were all right.

Q. If they hadn't been all right you would have been apt to have noticed it? A. Yes, sir.

SHAPLEY W. STODDARD, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. You live in the town of Mamakating, county of Sullivan, and third election district in that town? A. Yes, sir.

Q. You did last fall and voted there? A. Yes, sir.

Q. What ticket did you vote? A. Republican ticket.

Q. Straight ticket? A. Straight ticket.

Q. Did you notice your ballot to see whether it was properly indorsed or not? A. I did.

Q. What did you find? A. I found the third district; it was indorsed the third district.

Q. Were you there when the ballots were brought there in the morning by Mr. Stanton? A. I was there some time before the polls were opened, but I did not see the ballots brought there; I saw them there before the package was opened.

Q. Did you see the inspectors and clerks arranging those ballots? A. Yes.

Q. Saw them open? A. I am not positive I saw them open.

Q. Did you see the indorsement on the back of the Republican ticket? A. Yes.

Q. Were they properly indorsed? A. Yes.

Q. The third district received the sample ballots that belonged to the first district? A. I didn't see it.

Q. When was your attention first called to the fact that the sample ballots were changed? A. I think when the first witnesses came to Albany, when Mr. Erwin and Mr. Bell came here.

Q. You are positive you noticed several of the Republican ballots and the number of the district was properly indorsed on those ballots? A. Yes; there has been a question in my mind, I had been talking with my wife a few days before.

Q. Why was your attention directed particularly to the number of the district indorsed upon the ballot? A. In explaining the matter to her I found I did not know the number of our election district, whether it was number two or number three, and when I first saw the ballots opened that morning I noticed the number of that district, and that settled the question in my mind.

Q. You noticed because you wanted that information? A. Yes.

Q. That morning you didn't know? A. I didn't know until I saw it on the ballot.

Q. Did you look at several Republican ballots? A. I looked at a number.

Q. How many? A. Probably from fifteen to twenty to twenty-five.

Q. They were all indorsed? A. As far as I saw.

Q. You looked particularly you say to see whether the number of the district was properly indorsed on them? A. Yes, sir.

Q. You found them right? A. All that I noticed.

Q. Those were Republican ballots? A. Yes.

Q. All one color? A. I think they were all one color, all white.

Cross-examination :

By Mr. GARDNER :

Q. Will you state what the indorsement was on the ballot? A. I couldn't give the indorsement word for word what it was.

Q. State as much as you can? A. I think the official ballot, third district, town of Mamakating, and the *fac simile* of the name of the county clerk on it.

Q. You say the first your attention was drawn to it was when the witnesses were sworn here to Albany? A. The first my attention was called to the fact the sample ballot was wrong, I did not see the sample ballot.

Q. How long after did you talk to your wife about seeing this indorsement? A. My conversation with her was before election a day

or two; she asked me where the other voting places were, and I told her and we were talking something in regard to the number, and I found I was not certain of the number of our own election district, and when I saw the number upon the ballot my uncertainty was removed.

Q. Did you look at any other ballots except the Republican? A. I did.

Q. Were they all correct? A. They were all correct, all that I saw.

Q. Was it after or before they commenced to vote? A. Before they commenced to vote.

Q. Didn't look at any except the one that you voted after they commenced to vote? A. No, sir; that was the only one I saw after the voting was opened.

Q. You are quite sure of that? A. Yes, sir; I voted the first ticket that was given out and left immediately.

Q. Where were the ballots that you did see? A. The first that I saw in looking over when one of the inspectors was counting, I stood a little behind him, and I looked over his shoulder, and the next was on the table of the ballot clerk, just before the polls were opened.

Q. You stood over the inspectors while they were counting them? A. I stood behind one of them.

Q. About how many did you see? A. I couldn't say how many I saw of his.

Q. How many did you see altogether? A. I might have seen fifty altogether, but of the Republican party, and one other which I can not say; those counted by Mr. Kuykendall and one other; I saw from fifteen to twenty-five of each of them.

The committee then adjourned to Tuesday, March 15th, 1892, at 7.30 p. m.

TUESDAY, *March 15*, 1892 — 7.30 P. M.

The committee met pursuant to adjournment.

Present.— Chairman ROESCH and Senator ENDRES.

JOHN H. CHAPMAN, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. City of Newburgh.

Q. Were you one of the inspectors of election at the election last fall in the city of Newburgh? A. I was.

Q. What district and what ward? A. Second district of the third ward.

Q. That is a Republican district? A. Always been so.

Q. Were you the Democrat inspector in that district? A. Democratic inspector.

Q. You have always been a Democrat? A. Yes, sir.

Q. Who were the ballot clerks in that district? A. Henry M. Wareing and George Smith.

Q. Do you remember who the watchers were? A. No; I do not; the watcher who was over me was the name of Tucker.

Q. Did you see any of the watchers count the ballots in that district? A. Not to my recollection I did not.

Q. You would have been able to have seen it if it occurred? A. I was busy counting the ballots; I don't remember taking notice of it.

Q. Were you so busy counting ballots you couldn't have seen that? A. I don't recollect seeing it done.

Q. You would have been apt to have seen it? A. Probably would.

Q. As far as you saw it they didn't? A. No.

Q. The ballot clerks counted? A. Yes, sir.

Q. And the inspectors? A. And the inspectors.

Q. So far as you counted was the count correct? A. Yes, sir.

Q. And correctly certified in the return? A. Yes; the watcher was satisfied with my count.

Q. There has been considerable evidence given about the opening of a box in that district; did you read the testimony that was given on that subject? A. I did.

Q. By the chairman of the board? A. Yes, sir.

Q. State whether or not your recollection of the occurrence accords in all respects what he testified to? A. I can vouch for his testimony being correct as far as I remember.

Q. And what was done was done with your consent? A. It was.

Cross-examination :

By Mr. GARDNER:

Q. The poll clerks counted that night the ballots? A. Yes, sir; they assisted in counting the ballots.

Q. The system of counting was to divide the ballots in piles, each one counted a pile? A. Yes.

Q. Didn't count over the piles of the others? A. No, sir.

By Mr. HIRSCHBERG:

Q. When you speak of the poll clerks you mean the ballot clerks? A. Yes, sir.

Q. That practice has always prevailed in that district, has it not?
A. Yes, sir.

Q. Did you return the split tickets? A. No.

FRANK J. BANNON, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. Seven Cottage place, Newburgh.

Q. Were you a resident of Newburgh at the last election in the fall?
A. Yes, sir.

Q. Did you perform any services in one of the districts of the city? A. One of the ballot clerks of the fifth district of the first ward.

Q. Who was the other ballot clerk in that district? A. George W White.

Q. Did you count any of the ballots? A. No, sir.

Q. Did the other ballot clerks count any of them? A. No, sir.

Q. Were all the ballots in that district counted by the inspectors?
A. Yes, sir.

Q. Did you pay any attention to the count? A. No, sir.

Q. Do you know Mr. McChristen? A. Yes, sir.

Q. He was one of the inspectors in that district? A. Yes, sir.

Q. Were you there all day? A. Yes, sir.

Q. Were you where you could see Mr. McChristen? A. Until they counted the ballots at night.

Q. Could see his condition? A. Yes, sir.

Q. What was his condition as to sobriety? A. To the best of my knowledge he was sober.

Q. Have you any doubt about it? A. No, sir.

Q. Did he do or say anything that indicated he was not entirely sober? A. No, sir.

Q. The entire day? A. No, sir.

Q. When did you leave the polls? A. When we got done counting the ballots.

Q. You were there until he got through counting at night? A. Yes, sir.

Q. Was he sober all that time? A. To the best of my knowledge he was.

Q. Did he count with the others? A. Yes.

Q. Appeared to count correctly? A. Yes; only a little bit slower, and green at the business.

Cross-examination :

By Mr. DIMMICK:

- Q. You made up his return for him? A. Part of the return.
- Q. Why did you do that, because he requested you? A. Yes.
- Q. There was a room in the rear of this poll? A. Yes, sir.
- Q. Did the officers of the poll visit that room that day? A. Yes, sir.
- Q. Do you remember Mr. Maher going in? A. Yes, sir.
- Q. Do you remember a dispute or discussion about what he did after he got in there? A. Yes, sir; he was sent there by Mr. Farrington.
- Q. One of the inspectors? A. Yes, sir.
- Q. Mr. White, another inspector, found fault? A. Going through his pockets, looking for a drink.
- Q. Getting a bottle out of his pocket and taking a drink? A. Yes; he didn't find the bottle, Mr. Farrington sent Mr. Maher in the back room to get a drink; told him the bottle was in his pockets; Mr. White saw him going in and going through his pockets, and found fault with him.
- Q. Did McChristen visit that room that day? A. Certainly did; he had to go through there if he had any call in the yard at all.

By Mr. HIRSCHBERG:

- Q. Who sent Maher in the back room? A. Mr. Farrington; one of the inspectors.
- Q. Mr. Maher was a Democratic watcher? A. Yes, sir.
- Q. Did he say he wanted a drink? A. Yes; he asked him if he had anything; he told him to go in there to a certain coat, his coat; and he would get a drink; that coat belonged to Mr. White, and he caught him going through it.
- Q. Did he find anything in it? A. No, sir; not to my knowledge.
- Q. Maher was sober? A. To the best of my knowledge he was.

ALANSON H. TOPPING, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

- Q. You live in the city of Newburgh? A. Yes, sir.
- Q. Were you last fall one of the inspectors of election in the fourth district of the first ward. A. Yes, sir.
- Q. Who counted the ballots in that district, the inspectors or the inspectors and ballot clerks, or the ballot clerks? A. The inspectors of election.
- Q. Alone? A. Yes.
- Q. The clerks did not count in that district? A. They did not.

Q. Is it true the watchers handled the ballots at all? A. I didn't see them.

Q. Were you in a position to see them if it occurred? A. I was to the table and took charge of the counting.

Q. Are you able to say they did not participate in the counting? A. I am able to say they did not participate in the counting, officially; they might have verified the count of somebody that sat next to them, counted them over to satisfy themselves it was correct.

Q. Have you any recollection they did that? A. I haven't any recollection of even that.

Q. Were there some split tickets voted in your district? A. Yes, sir.

Q. Were they returned by you or destroyed? A. They were destroyed with the other voted ballots.

Q. Then the difference between the entire vote in that district and the number of ballots attached to the return is accounted for by the split tickets? A. Yes, sir; the split tickets were returned with the voted ballots.

Cross-examination :

By Mr. GARDNER:

Q. Will you swear positively that John Valentine, a Democratic watcher, didn't count the ballots that night in a separate pile assigned to him? A. I will swear he didn't count any ballots officially.

Q. I am not asking you to say whether officially or not; will you swear he didn't count a separate pile of ballots? A. To the best of my knowledge I will.

Q. You won't swear he didn't? A. I don't see how he could and me not know it.

Q. He was engaged in counting? A. Not to my knowledge.

Q. Did he handle ballots at all? A. Not to my knowledge he didn't.

Q. Will you put yourself on record as saying that he didn't positively? A. No; I wouldn't do that, because I explained that.

Q. You were at my office once some four or five weeks ago? A. Yes, sir.

Q. And asked to make an explanation of the discrepancy that appeared in the returns? A. Yes, sir.

Q. Were you asked by me whether it was proper in your opinion to attach a sample of the split ballots voted to the return? A. Yes, sir.

Q. Do you remember the reply that you made? A. The reply that I made was, there were sixty-eight or about that split tickets, and

there were no two alike, and it would be an impossibility to attach the sixty-eight to all three of the returns.

Q. Then you didn't make this reply, or this in substance, that split tickets be damned? A. No, sir; I did not.

Q. Nor that reply was not made by your associate there that day? A. It was not.

Q. You certified in your return? A. I will explain that statement you are trying to drive at.

Q. You signed the return as one of the inspectors? A. Yes, sir.

Q. You certified that there were 103 straight Democratic ballots voted, didn't you? A. No, sir.

Q. How many did you certify? A. Seventy-nine, if I certified any.

Q. It was the fourth election district of the first ward? A. Yes.

Q. You certified Flower had 103? A. I thought you were referring to the senatorial candidate; Flower received 103 in straight.

Q. You attached a sample ballot to the return? A. Yes, sir.

Q. That ballot was a straight ballot? A. Yes, sir.

Q. You certified there was 103 of that character voted, did you not?

A. That I don't remember; I can't remember what I did certify to.

Q. If you did certify, as a matter of fact, that there were 103 voted of that character, then Mr. Lamont received 103 votes, didn't he? A. If I certified that there were 103 straight ballots for Flower, then, naturally, Mr. Lamont would receive 103 straight votes.

Q. Why didn't you credit him with 103 votes instead of ninety-five?

A. Because he wasn't entitled to them; seventy-nine straight Democratic tickets.

Q. Then your certificate was false?

Mr. HIRSCHBERG.—I object to that. The certificate shows there were seventy-nine straight Democratic; straight Republican, 148.

Q. I am asking the witness what he testified to? A. I don't remember what I did put on the return; I presume what I put on the return was right; that is, in my way of thinking; there were only seventy-nine straight Democratic votes anyway, and 148 straight Republican, and seven straight Prohibitionist.

By Chairman ROESCH:

Q. What are you looking at? A. A memorandum from the official canvass that night.

Q. Made by whom? A. Made by me as chairman.

Q. When? A. I made this memorandum before I came away; took it from the sort of a tally-sheet that I kept myself that night; here is the tally-sheet I made that night.

Q. You took the memorandum from the tally-sheet ? A. Yes.

Q. Both are in your handwriting ? A. This isn't a tally-sheet, only my own tally-sheet.

Q. Both are in your handwriting ? A. Yes, sir.

By Mr. HIRSCHBERG :

Q. Some inspectors have testified here that they took the standard for straight Republican and straight Democratic tickets from the vote cast for the highest candidate for governor, you did not ? A. No, sir.

Q. What did you call the straight ticket ? A. I call a straight ticket an official ballot that hasn't any erasures or changes on it at all; that was voted as it was printed.

Q. There were sixty-eight more that were split ? A. That were split.

Q. As to Mr. Valentine's counting, can you state positively if he counted any of the ballots; it was supplementary and in addition to the counting of the inspectors ? A. Yes, sir; I can; the three of us counted them.

Q. The three inspectors counted all the ballots ? A. I counted every ballot myself.

Q. And the return was certified from the account so ascertained by each and all of the inspectors ? A. Yes, sir.

Q. They all agreed ? A. All agreed.

Q. There was no return made from any count by Mr. Farrington ? A. No.

Q. Did Mr. Gardner send for you to come to his office ? A. No, sir; Mr. Sandsbury was the Democratic inspector, and I was downtown with him, and Mr. Gardner had been looking for him, as he understood it, and I happened to drop in with him.

Q. Wasn't it Mr. Gardner that made the remark, "Split tickets be damned?" A. There was no such remarks made.

Q. He would have been more apt to have made it ? A. I should think he would, and I think he would quicker than I would.

ROBERT J. HILL, being duly sworn, testified as follows:

By Mr. HIRSCHBERG :

Q. You reside in the city of Newburgh ? A. Yes, sir.

Q. You are one of the other inspectors in the same district as Mr. Topping ? A. Yes, sir.

Q. Did you hear his testimony ? A. I heard what I could of it.

Q. State who counted the ballots ? A. Mr. Topping, Mr. Sandsbury and myself, the three inspectors.

Q. Did each of you count all the tickets? A. Each of us counted all the tickets.

Q. State whether or not your count agreed? A. It did.

Q. Was the result certified from the agreed count of all three inspectors? A. Yes.

Q. Did the watchers or ballot clerks share in the counting? A. Not to the best of my knowledge.

Q. If any of the watchers did any of the counting, was it in addition to the counting of the inspectors? A. If they did it was to verify our account, but the official count was made by us.

Q. You don't recollect they counted at all? A. I do not.

Q. You know the fact the split tickets were not returned? A. Yes.

Q. There were sixty-eight split tickets? A. Yes, sir.

Q. You verify his statements then? A. Yes, sir.

Mr. GARDNER.—That is all.

WILLIAM H. HALLOCK, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. 352 Washington street, Newburgh.

Q. Were you one of the inspectors in the seventh district of the first ward last fall? A. I was.

Q. Who were the ballot clerks in that district? A. George Montgomery and Max E. Bastian.

Q. State whether the ballot clerks counted the ballots? A. They didn't count the voted ballots; they merely made out their returns of the unvoted ballots.

Q. Who did count the voted ballots? A. The inspectors of election.

Q. Did each count them all? A. No, sir.

Q. Each counted their own pile? A. Yes, sir.

Q. Subject to the inspection of the watchers? A. Yes, sir.

Q. Did the result agree? A. Yes, sir.

Q. With the whole amount of votes? A. Yes, sir.

Q. You are positive neither the watchers nor the ballot clerks counted the voted tickets? A. Yes, sir.

Mr. GARDNER.—No questions.

WILLIAM N. BEGGS, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. One hundred and thirty-seven Water street, Newburgh.

Q. Were you a resident of Newburgh last fall? A. Yes, sir.

Q. State whether or not you were an inspector of election at that election? A. I was.

Q. What district? A. First district of the third ward.

Q. Who were the ballot clerks in that district? A. Arthur M. Johnson and Max Samuels.

Q. Mr. Samuels has been examined as a witness? A. Yes.

Mr. HIRSCHBERG.—Mr. Johnson is not able to be out, and I would ask the committee's permission to take his affidavit to the fact that what he counted was counted correctly. He was subjected to an operation two or three years ago of tracheotomy.

Mr. GARDNER.—We will admit he would swear to it, but we won't admit it as a fact.

Mr. HIRSCHBERG.—We will file an affidavit to that effect.

Senator ENDRES.—He can leave the affidavit.

Q. Did the ballot-clerk count part of the ballots? A. They did.

Q. Has that been the practice in that district? A. Yes, sir.

Q. Did the result agree with the total number? A. Yes; there was a watcher back of each one of those men.

Q. A watcher examining their count the same as the inspectors? A. Yes.

Q. Did they count what they counted under the direction of the inspectors? A. Yes, sir.

Q. And the result was adopted by the inspectors? A. Yes, sir.

Q. Was the result correct, so far as you know? A. Yes, sir.

Q. In every respect? A. In every respect.

Q. You counted your own? A. Yes, sir.

Q. And counted them correctly? A. Yes.

Q. And have no reason to doubt the others did the same? A. None whatever.

Q. The gross amount of each county corresponded with the total vote polled on each candidate? A. Yes, sir.

Q. Did you return the split tickets from your district? A. No, sir; they were burned up.

Q. How many were there, do you remember? A. No, sir.

Q. The return shows forty-nine? A. Whatever the return shows was correct.

Q. The returns were afterward sent back for correction by the board of county canvassers, and you and the other inspectors made an affidavit there were forty-nine split ballots that were destroyed? A. Yes.

Q. That is true? A. Yes.

Q. That accounts for the apparent discrepancy? A. Yes.

Q. The split ballots were of all sorts? A. Yes.

Q. Sometimes a single split ticket by itself? A. Yes.

Q. So you couldn't annex that to each one of three returns? A. No, sir.

Cross-examination :

By Mr. DIMMICK:

Q. Were you present at all the registry days? A. Yes.

Q. Was the full board present at the registry days? A. I think they were; yes, sir.

Q. Did you register any person that didn't appear personally on registry day? A. No, sir.

By Mr. GARDNER:

Q. You are not able to state whether the other inspectors and ballot clerks counted correctly their ballots; are you? A. They had a watcher back of them.

Q. Are you able to state now whether they counted their piles correctly or not? A. Of course, I didn't count their ballots.

Q. Then your answer is, no, sir? A. I didn't count their ballots.

Q. Your certification as to the correctness of the returns was partly based upon an assumption on your part that they had done their duty? A. No; there was a watcher back of them.

Q. An assumption they had done their duty; you had no personal knowledge of the fact that the return was correct; did you? A. I took their word for it.

Q. So you had no personal knowledge? A. Of course, I didn't count their ballots.

It is stipulated that the testimony of Arthur Johnson as to the correctness of his count may be supplied by his affidavit.

Mr. GARDNER.—In order to expedite this examination, we are willing to admit that every inspector in every district where we claim there was a discrepancy appearing upon the face of the return, on those districts where we claimed in making our case that either the ballot clerks or watchers counted ballots, that the inspectors in each and every one of those districts will swear to the fact that their count was correct; that will expedite this examination.

Senator ENDRES.—You mean so far as subpoenaing no more witnesses on that branch of the case?

Mr. GARDNER.—Yes.

Mr. HIRSCHBERG.—Will you admit they did count correctly?

Mr. GARDNER.—I will admit all you can accomplish by putting them on the stand.

JOSEPH A. McDONALD, being duly sworn, testified as follows:

By HIRSCHBERG:

Q. You were one of the inspectors of election last fall, in the city of Newburgh, in the first district of the third ward? A. Yes, sir.

Q. Did you count correctly such ballots as you counted? A. Yes, sir.

Q. Do you know of the fact there were forty-nine split tickets? A. Yes, sir.

Q. Which were not returned in the memorandum ballots attached? A. They were not.

Q. But they were destroyed? A. Destroyed.

Q. Split tickets of all kinds? A. Yes, sir.

Q. Was all the counting in that district done correctly so far as you could ascertain or discover? A. Yes, sir; it was.

Mr. GARDNER.—No questions.

THOMAS HARRINGTON, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. You heard the testimony of Mr. McDonald? A. Yes, sir.

Q. State whether or not you can verify his statement in respect to yourself? A. Yes, sir.

Q. You counted correctly? A. Yes, sir.

Q. The returns were correctly ascertained and returned? A. As he has spoken.

Q. You were an inspector in that district last fall? A. Yes, sir.

Q. Did watchers assist at all in counting? A. No, sir.

Q. None of them? A. None of them.

Q. That you are positive of? A. That I am positive of.

PHILIP MAHER, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. Three hundred and seventeen Washington street, Newburgh.

Q. Did you reside in the city of Newburgh last fall? A. Yes, sir; I lived in Van Ness street then.

Q. Where in Van Ness street did you live last fall? A. Between Lutheran street and Carpenter avenue.

Q. Do you know where James F. Ryan's place is? A. Yes; corner of Carpenter avenue and Van Ness street.

Q. Some evidence has been given here as to the organization of an independent club last fall at Ryan's place, on the corner of Carpenter avenue and Van Ness street; do you recollect that fact? A. Yes, sir; an independent Democratic club.

Q. When did it meet there; how long before election? A. It met there Tuesday before election.

Q. Were you present at the meeting? A. Yes, sir.

Q. Were you the chairman of the meeting? A. Yes, sir.

Q. I read from the testimony of John J. Raiser, at page seventy-five of the minutes, he states that you as chairman of the meeting made a speech? A. I did nothing of the kind.

By Senator ENDRES:

Q. Can you make a speech? A. No, sir.

By Mr. HIRSCHBERG:

Q. He was asked what did you state, and he said you stated the meeting was called for the purpose of organizing an independent club, the object of the club was that they had been voting for some time and never received any pay, and now they desired to vote for the party that paid the most money; did you make any such speech as that? A. No, sir.

Q. Did you use any words to that effect? A. No, sir.

Q. Any words which Mr. Raiser could construe into anything of that kind? A. I told Mr. Raiser there was a meeting called for the Friday night previous, and we went there, about four or five only of the men; Weaver told me some of them had got a little money; he says, "I don't know as they have got over ten dollars—unless it was to stay away from the meeting," and I told those that were there "I am done."

Q. You didn't say anything of the kind which he has testified to here? A. No, sir.

Q. He also says a committee was appointed to wait upon both parties, to wait on Foley, to wait on Doyle or Tygert; was that true? A. No, sir; there was no committee appointed at all.

Q. And no committee did wait on both parties or either of them? A. No, sir.

Q. Did any committee make a report subsequently? A. No, sir.

Q. Was there ever a subsequent meeting? A. No, sir.

Q. He says there was a report afterwards made, which may be true in fact, that the Democrats were no good and the Republicans were fairly good; was there anything of that kind reported? A. No, sir; they had just the one meeting Tuesday night.

Q. He further testified that you told him you got ten dollars; was that true? A. No, sir; I never handled a political dollar in my life; aint that kind of a man.

Cross-examination :

By Mr. GARDNER :

Q. How many were there that night? A. I didn't count them; there might have been twelve or fifteen.

Q. How did you come to go there? A. They had been asking me for a month before that whether I would join that club, and I told them no.

Q. Who asked you? A. McCloy boys, Donnelly and several; that was the first club I ever belonged to; I told them before it was organized it wouldn't last.

Q. You were the president, were you? A. Elected president temporarily; I told them I was going to move out of the ward.

Q. Who was the secretary? A. A young man named Donnelly.

Q. Who was the treasurer? A. John McCloy.

Q. If there was any money received by the club the treasurer got it? A. There was no money received.

Q. May have been some money given to the treasurer and you not know it? A. I don't think he received much money.

Q. He may have received some and you not know it? A. I don't think he is that kind of a man to receive any money.

Q. Did you make any remarks that night yourself? A. I told them — they asked me to join it, and I said yes I would join it if they made it an independent club.

Q. What was the object of the club? A. To be independent on local matters; I told Raiser when I came out — he told me he was in the employ of the county committee, and he asked me if the head of the ticket was all right — meaning Flower and Lieutenant-Governor Sheehan — and I told him yes, they were independent only on local matters.

By Senator ENDRES :

Q. Did you consider the senator included in that? A. The senator all right.

Q. That is, Mr. Lamont? A. Yes, sir.

Q. You mean Mr. Richardson? A. I mean Mr. Lamont.

Q. You told him the head of the ticket, Flower and Sheehan, was all right? A. Yes.

Q. Didn't tell him the rest was? A. Didn't tell him the rest was, no; what I meant was the State officers were all right.

Q. Were there any local candidates in the city of Newburgh last year, then? A. What I meant by local was Billy George Tygert; it was to be independent not only on that fall election but other elections if it had continued.

Q. Tygert was running for county clerk on the Republican ticket? A. Yes, sir.

Q. It was sort of a club organized to support Tygert? A. No, sir; it was not.

Q. Did the club wait on Tygert? A. No, sir.

Q. Was there a committee appointed to wait on him? A. No, sir.

Q. Tygert came to your meeting? A. No, sir.

Q. Was there any inducement in any way held out by Mr. Tygert why you should support him? A. None that I know of.

Q. You voted for Tygert? A. No, sir.

Q. Did any of the other members? A. What I interviewed afterward said they voted the straight Democratic ticket.

Q. Then you didn't accomplish the object for which you were organized, to be an independent club? A. We didn't mean for that previous election, we meant on local matters in the city of Newburgh; we were opposed to some of the leaders in the district; it wasn't got up for that fall election.

Q. You say you disbanded at once? A. I say they failed to connect on the next meeting.

Q. How? A. They busted up among themselves; they were opposed to two or three that were in the club; didn't want them there.

Q. Who were the two or three? A. I suppose one of them was a man named Weaver, and I think Stockley another.

Q. What was the matter with Weaver? A. I don't know; I had no objection to him.

Q. What was the matter with Stockley? A. I don't know; the club wasn't in existence on election day.

Q. Did you have any talk among yourselves as members? A. No, sir.

Q. After that meeting? A. No, sir.

Q. Did you adjourn to meet at any special time? A. In the following Friday.

Q. Did you go there? A. I went there, yes.

Q. Who else was there? A. There was Weaver and Ryan; there was about five.

Q. What did Ryan say and Weaver, if anything? A. I told all the remark made was by Mr. Weaver that he heard some of them got ten

dollars to stay away from the meeting; got some money, he didn't think they got over ten dollars to stay away from the meeting.

Q. The second meeting? A. Yes.

Q. That was Friday, following the Tuesday? A. Yes.

Q. He didn't say who paid it to him? A. No, sir.

By Mr. HIRSCHBERG:

Q. He didn't say he got it? A. He only surmised they got it; he didn't say they actually got it.

Q. Did your club have any watchers appointed, or make an application for the appointment of watchers on election day? A. No, sir.

By Mr. HIRSCHBERG:

Q. What is Weaver's full name? A. I don't know; I never knew him only that night; I believe he works for Mendes in Fishkill, in a grocery.

Q. Do you know whether he lives in Newburgh? A. I do not.

Q. Raiser told you he was acting in the employ of the county committee? A. Yes, sir.

Q. When was it he told you that? A. That night after the meeting.

Q. Democratic county committee? A. Yes.

Q. Did he say what he was getting; how much? A. He told me there was a little in for him, not a great deal.

Q. Has he ever told you anything about this contest? A. Not until I was subpoenaed.

Q. I mean when you were subpoenaed by the other side? A. He came to my house and told me I would have to go to Albany,

Q. He subpoenaed you for Mr. Lamont? A. Yes, sir; at the court house in Newburgh.

Q. What did he tell you then? A. I attended court and wasn't called then; I went down when I read about the next session being in Albany, and I went down to Mr. Gardner's office, and Mr. Gardner wasn't in, and I met Raiser there, and he excused me from attending.

Q. He was subpoenaing the witnesses for the contestant, Raiser? A. He served me with a subpoena.

Q. And served others? A. Said he was going for others.

Q. Had the subpoenas with him? A. Probably had.

By Mr. GARDNER:

Q. There might have been other members of your club waited on, Mr. Odell, and you not know it? A. Not as members of the club.

Q. How do you know but what they may have? A. The club wasn't in existence.

Q. There were fifteen there that night? A. Yes.

Q. About what was the extent of the membership? A. About fifteen I should say.

Q. Between the Tuesday that you speak of and election day, some of those fifteen may have waited on Mr. Odell and asked him for financial support and you not know it? A. They might have.

Q. You don't wish to be understood as saying that there were not members of your club that did not wait on Mr. Odell? A. I would not like to swear they wouldn't.

By Mr. HIRSCHBEEG:

Q. What are your politics? A. A Democrat.

Q. Have you always been a Democrat? A. Yes, sir.

Q. Were the other members of the club Democrats? A. The major portion.

Q. Of those you know of? A. I couldn't say what Weaver's politics are; outside of Weaver they are all Democrats.

Q. Did they vote the Democratic ticket last fall? A. Several of them told me they did.

Q. You did? A. Yes.

Q. Straight? A. Straight.

By Mr. GARDNER:

Q. Did some of them tell you they hadn't? A. Those that I saw told me they had.

Q. None of them told you they had voted the Republican ticket? A. I haven't seen them.

By Senator ENDRES:

Q. When did you first speak about organizing this club? A. They spoke to me about two weeks before they had the meeting.

Q. Who was the person that spoke to you about it? A. James McCloy.

Q. He is the fellow that was to be treasurer? A. A brother of his.

Q. You finally waited about two weeks then you had this meeting. A. They got me outside and asked me if I would go over the night of the meeting.

Q. Are you an organizer? A. No, sir; they couldn't get nobody else, and I told them I would serve temporarily.

Q. Was anything said at that meeting in regard to striking any of the candidates for money? A. Not at the meeting.

Q. Was something said after that by the members they were going to see the candidates who would put up the most money? A. Not in my presence; I came out.

Q. You weren't there but a little time? A. Little time.

Q. The next meeting was to be the Friday following? A. Yes.

Q. Were there any committees appointed the first meeting?
A. No, sir.

Q. The Friday meeting broke up in a row? A. Busted up somehow.

Q. You claim what they have told you, they all voted the Democratic ticket? A. Those boys, McCloy and Donnelly.

Q. What was the object of organizing an independent club?
A. They said to organize on the city election.

Q. When do you have the city election? A. In the spring.

Q. You were going to start it then? A. Going to start it up then and keep it permanently.

Q. You are sure nothing was said in the first meeting about appointing a committee or having some of the members of this club see some of the candidates on both sides and see if they couldn't get some money for their support? A. No, sir.

Q. Was anything said when you had a talk with them on Friday about striking the candidates for money? A. Weaver said some of them must have got some money, couldn't have got over ten dollars to bust a meeting up.

Q. Was any party claimed from whom they got the money? A. No, sir.

Q. Raiser said he was there from the county committee; did you know he was a Democrat? A. Yes.

Q. Did it strike you as remarkable he wanted to organize an independent club? A. He didn't belong to it all.

Q. He advised you about it? A. He didn't have nothing to do with it at all.

Q. Did he know anything about it? A. He must have heard something about it; he told me afterwards they advertised in the paper.

Q. Did you tell him you were going to meet the subsequent Friday?
A. Yes, sir.

Q. Did he say anything about what he was going to do, or the county committee was going to do? A. No; he said he was in the employ of the county committee, and if it was not for them he would go in the meeting.

Q. Nothing ever mentioned about seeing any parties about getting any money? A. Not in my presence.

Q. Nothing said Friday when the club failed to meet? A. No, sir.

Q. Nobody said anything about going to see anybody about any money? A. No, sir; I was there five minutes and went away.

By Mr. GARDNER:

Q. Did you stay there until the meeting was over Tuesday night?
A. Just long enough to treat them and go out.

Q. They remained there after you left? A. Some of them, I suppose, did; McCloys lived next door to me, and they came over with them.

Q. Had the meeting adjourned formally before you left? A. Yes, sir.

By Senator ENDRES:

Q. Was this your money you treated the boys with? A. Yes; my own money.

Q. Did you ever take interest enough in politics to treat the boys before? A. Never.

Mr. HIRSCHBERG.—I offer in evidence, on the question of Mr. Raiser's credibility, a certificate of the warden of the Michigan State prison, that Mr. Raiser, No. 3,605, was sent from Ann Harbor, Michigan, and served a five years' sentence less, the commutation for good behavior. Sentenced May 31, 1883, discharged June 11, 1887. I have been trying to get Mr. Raiser and I can't find him.

Mr. GARDNER.—The only objection we have to that is no proof showing that it is the witness, Raiser.

Mr. HIRSCHBERG.—Mr. Raiser can deny it, and secondly, our further objection is, they should have on cross-examination developed the fact; they had an opportunity; he was on the stand and was sworn, and after we have rested our case, they come in and offer this evidence; that is strictly illegal.

Mr. HIRSCHBERG.—I called for Mr. Raiser to recall him for cross-examination, and they assured me I should have an opportunity to do so before they closed their case. Another time I called him they said by and by.

Senator ENDRES.—I remember the witness said he had been arrested.

Mr. WASHBURN.—Is this the same Raiser the district-attorney failed to indict?

Mr. HIRSCHBERG.—No.

Mr. GARDNER.—Does Judge Hirschberg insist here that this is admissible in evidence? This is nothing but a private letter.

Mr. HIRSCHBERG.—I heard Mr. Raiser had been imprisoned there, and I wrote to the warden of State prison and received his reply, and I wrote to Governor Wynans if he had ever pardoned him, and I have received an answer from the executive office he was not pardoned.

Mr. GARDNER.—He can get Raiser any time.

Mr. HIRSCHBERG.— I have sent a man to his house and I can't get him.

Mr. GARDNER.— The object is to bring it to the attention of the committee whether a man has been to State prison; why isn't it better to make the statement instead of trying to put such a letter as this in evidence as a certificate.

Mr. HIRSCHBERG.— You know the fact.

Mr. GARDNER.— No; I don't know anything about it, or you either.

Mr. HIRSCHBERG.— Yes, I know all about it; I have two grounds for offering that; first, on the question of his credibility, and secondly, because it was an illegal vote that he cast when he voted for Mr. Lamont, as he testified to, in the third ward. It is expressly provided in our Constitution that no man convicted of an infamous crime can vote, unless he was pardoned. Mr. Raiser can come here and deny it if it isn't true.

Mr. GARDNER.— We object to putting an ordinary letter in evidence here to show a man's imprisonment.

Mr. HIRSCHBERG.— I am willing to substitute his testimony for the letter at any time.

Senator ENDRES.— His testimony tended to show he had been imprisoned a number of times.

Mr. HIRSCHBERG.— You are thinking of the witness Gutchess.

Senator ENDRES.— Wasn't he the man that used to call you Mike?

Mr. HIRSCHBERG.— He is the very man; he swore he voted for Lamont.

Mr. GARDNER.— I think he said he was arrested.

Mr. HIRSCHBERG.— That was in Orange county.

Mr. WASHBURN.— He said there was a failure to indict because he voted for Mr. Hirschberg.

Mr. HIRSCHBERG.— He never said anything of the kind.

Senator ENDRES.— You had better turn to his evidence and see what he did testify to.

Mr. HIRSCHBERG.— His place was pulled once, but that was after I was elected district attorney, so he couldn't have voted for me on any such ground, and I never ran but once. There was not sufficient evidence to indict him, and he was not indicted. There isn't a word in his testimony from beginning to end about his having been arrested. I said the only knowledge I had of the man was that he was before the grand jury and they failed to indict him, but owing to his impertinent behavior and the number of important things that he testified to, which a number of witnesses have entirely disproved, I sought to learn his history, and found he had lived in Ann Harbor

and also that he had been in State prison, and I wrote to the warden of the State prison to know whether it was true, and in reply to that he sent me this letter. I then notified the counsel on the other side at the meeting at Newburgh that I wished to recall him for further cross-examination. I then had the letter in my possession, and they said they would give me the opportunity, and they took pains not to do it.

Mr. WASHBURN.—I wish to state I offered to Judge Hirschberg the opportunity to call this witness when Raiser was in the room.

Mr. HIRSCHBERG.—I said, "There is Mr. Raiser, and I would like to examine him now." They said, "There is time enough by and by," and they examined their witness. Since that time I have had an officer with a subpoena at every hearing to go to Mr. Raiser's house with a subpoena, and they can't find him. I had an officer up to the time the train left, and I notify them now to produce him; he is one of the associate counsel; he has been around subpoenaing these witnesses.

Mr. GARDNER.—According to his statement, his liberty is due to the indulgence of the district attorney.

Mr. HIRSCHBERG.—That is the case with a great many.

Mr. GARDNER.—I will state I did say to Judge Hirschberg if he wanted to cross-examine this man he was in the court-house, and he could do it. After we have closed our case—

Mr. HIRSCHBERG.—You made the promise to the ear but broke it to the hope.

Mr. GARDNER.—After we have rested our case, when an opportunity was afforded them to cross-examine this man, he had the letter in his pocket, knew the fact, failed to do it, at this late hour he comes in and wishes to prove that fact; we claim it is unfair to the witness and unfair to us.

Mr. HIRSCHBERG.—The hearing at Newburgh was on the fifth of February, and I think that letter was written in January.

Senator ENDRES.—Did you submit the letter to the counsel on the other side?

Mr. HIRSCHBERG.—No, sir; I didn't tell them. They knew, no doubt Mr. Raiser knew. He made sundry remarks that indicated he knew what it was.

Senator ENDRES.—Have you no other way of proving?

Mr. HIRSCHBERG.—I could by commission, I presume.

Senator ENDRES.—That is too long winded.

Mr. HIRSCHBERG.—The committee has taken secondary evidence.

If Mr. Raiser will come forward and say it isn't he, it can be taken out.

Mr. GARDNER.— We have no control over Mr. Raiser.

Senator ENDRES.— Is there a way of your producing him?

Mr. GARDNER.— He is not in our control.

Mr. HIRSCHBERG.— He subpoenaed the most of your witnesses.

Mr. DIMMICK.— He did not subpoena most of them.

Mr. O'NEIL.— You refuse to produce him?

Mr. WASHBURN.— No; it is you that want him.

Mr. HIRSCHBERG.— We will leave the letter to be ruled on by the committee when they are together.

Letter marked "J. M. R."

CLARENCE A. SPRAGUE, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you live? A. Liberty, Sullivan county.

Q. In what senatorial district? A. Thirteenth I believe.

Q. Did you print the official ballots of the Republican party last fall? A. Yes, sir.

Q. Did you print them for the town of Mamakating? A. Yes, sir.

Q. Do you remember having examined them? A. Yes, sir.

Q. Were they properly indorsed? A. Yes, sir.

Q. Where did you send them? A. To the county clerk—Gildersleeve.

Q. It was his duty to transmit them to the town clerk of the town?
A. Yes, sir.

Q. When they left your office you sent how many packages?

Mr. WASHBURN.— I would like to ask to what evidence this is in reply? We don't claim this printer made any mistake in the indorsement of the tickets.

Mr. O'NEIL.— You say someone did, and we are going to show there was no mistake whatever.

Q. State whether those tickets were properly indorsed that you printed for the town of Mamakating. A. They were.

Q. How did you transmit them to the county clerk? A. I took them there myself.

Q. And delivered them to the clerk in his office? A. Yes, sir.

Q. They were all right when you got there? A. Yes, sir.

Mr. GARDNER.— No questions.

Q. What was the color of the official ballots? A. White, all white.

Q. Third district and all the other districts? A. Yes, sir; the whole county.

RICHARD GILDERSLEEVE, recalled:

By Mr. O'NEIL:

Q. You were the county clerk of Sullivan county? A. Yes.

Q. The ballots from the office of Mr. Sprague were left with you?
A. Yes.

Q. You had them transferred to the town clerk of the town of Mamakating? A. Yes.

Q. Did you examine the official ballots of that town? A. Yes.

Q. Were they all properly indorsed? A. They were.

Q. How did you transmit them? A. I sent them with a man named Robert Bradley.

Q. Who is he? A. He is a citizen that lives in Monticello.

Q. Living there still? A. Yes.

Q. When you sent them with Bradley were they properly indorsed?
A. Yes.

Q. Everything was regular? A. Yes, sir.

Q. The tickets were white? A. Yes, sir.

Q. The third district of the town of Mamakating, the Republican official ballots, were they indorsed third district? A. Yes.

Q. That you know of your own knowledge? A. Yes, sir.

Q. The second indorsed second district? A. Yes.

Q. And the first, first district? A. Yes.

Q. State whether they were put up separately? A. Yes; separate bundles.

Q. The sample ballots of the district was separate? A. By a paper band around them and all were done up in one bundle.

Q. The official ballots for the district were in different packages?
A. Yes, sir.

Cross-examination:

By Mr. GARDNER:

Q. You are the Republican county clerk of Sullivan county? A. Yes, sir.

Q. You have been a Republican for some years? A. Yes, sir.

CHARLES BARNUM, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you reside? A. Monticello, Sullivan county.

Q. You are a member of the Democratic State committee from that congressional district? A. Yes, sir.

Q. And were during the last election? A. Yes, sir.

Q. Have been for how long? A. Since the Syracuse convention in 1889.

Q. You are also editor and proprietor of the *Monticello Watchman*?
A. Yes, sir.

Q. You have been editor of that paper how long? A. Nearly eight years.

Q. Did you have occasion to examine any of the official ballots last fall? A. I went to the clerk's office and examined; I intended to examine them all but I got tired and didn't examine them all.

Q. Did you examine the official ballots of the town of Mamakating?
A. I can't say now; I examined about fifteen districts out of the thirty-four to see whether they were numbered consecutively and indorsed properly.

Q. What did you find? A. I found they were all right and I let the rest go.

Q. Can't recall whether you examined the official ballots of the town of Mamakating or not? A. I can not; I can only recall two districts that I examined.

Q. What two were those? A. District No. 1 in the town of Thompson and district No. 3 in the town of Neversink.

Q. How much money came into your hands from the Democratic State committee last fall for distribution in that district? A. About \$1,200.

Q. That was for what; that district? A. That was for the county of Sullivan.

Q. County of Sullivan alone? A. Yes.

Q. You didn't disburse the money in the county of Orange? A. I know nothing about it; I didn't receive it or disburse it.

Q. Why did you make the examination of the ballots in the clerk's office? A. The year before there had been a failure, the printer failed to print the ballots and I had provided, as chairman of the county committee, emergency ballots, and I did this year.

Q. Were you still chairman of the county committee this year? A. Yes, sir.

Q. You examined for the purpose of having them all right? A. I examined the ballots to see if there was any failure in the printing of them — to see if I had to use my emergency ballots.

Q. You satisfied yourself upon that point; the ballots were all right? A. I did.

By Senator ENDRES:

Q. You took it for granted they were all right after seeing what you did see? A. I did.

By Mr. O'NEIL:

Q. Did you ever hear from any source there was any irregularity in the ballots? A. I did not.

Cross-examination:

By Mr. WASHBURN:

Q. Was the official canvass of the voters in Sullivan county paid for out of the amount you have mentioned? A. Yes, sir.

BERNARD FARRELL, recalled:

By Mr. O'NEIL:

Q. Where do you live? A. Town of Mamakating, Sullivan county.

Q. In what district? A. Third election district.

Q. Were you subpoenaed here before by Mr. Lamont? A. Yes.

Q. Were you sworn? A. Yes, sir.

Q. Were you one of the ballot clerks at the last general election?

A. I was.

Q. Who was your associate? A. Harmon Tice.

Q. He was sworn previously? A. Yes, sir.

Q. A week ago? A. Yes.

Q. Do you know John Erwin? A. Yes.

Q. He is a Democratic worker in that district? A. Yes.

Q. Did you see him there election day? A. Yes.

Q. Was he around all day? A. Yes.

Q. Did he come in and state to you or in your presence that the official Republican ballots of that district were improperly indorsed, improperly numbered? A. I don't remember it.

Q. Did he make any such objection in your hearing that day? A. I don't remember hearing him object to the regular ballots distributed to voters.

Q. Did he object on the ground that you had the ballots of the first district? A. I don't remember of hearing him.

Q. You would have heard if he made any such objection, wouldn't you? A. Yes.

Q. You would have noticed it? A. Yes.

Q. If he had made any such objection or any other person had made such objection you would have noticed it? A. Yes.

Q. Were you there when the ballots were received in the morning? A. Yes.

Q. Who brought them there? A. Man named Edgar Stanton.

Q. Were the ballots opened in his presence? A. Yes.

Q. Were they inspected to determine whether you had the right number? A. Yes, sir.

Q. Were you there then? A. Yes, sir.

Q. Were the ballots all right then? A. Considered so. •

Q. They were passed by the inspectors as all right? A. Yes.

Q. Who was present when that inspection was made of the ballots, give the names of the parties who were present there? A. The inspectors of election, John Bell.

Q. He has been sworn here? A. Yes, sir.

Q. Who else? A. Clarence St. John.

Q. Mr. Kerkendall? A. Yes, sir; Henry O. Kerkendall.

Q. They comprised your board of inspectors? A. Yes, sir.

Q. Kerkendall and Bell were Republicans? A. Yes, sir.

Q. And St. John was the Democratic member of the board? A. Yes, sir.

Q. You are a Democrat? A. Yes.

Q. Were you associated with Mr. Tice, a Republican? A. Yes, sir.

Q. Did you hear any objection made by Mr. Erwin that day that the official ballots were irregularly or improperly numbered? A. No, sir.

Q. Is it the fact you had the sample ballots for the first district of the town of Mamakating? A. Yes.

Q. That was noticed before the day had passed? A. Yes, sir.

Q. And commented on by different members? A. I presume if there were any objections it was on the strength of those ballots.

Q. There was no objection to the official ballots? A. No, sir.

Q. That day or any other day? A. No, sir.

Q. John Erwin was there all day? A. Yes.

Q. And Democratic watchers there all day? A. Yes.

Q. Who were the Democratic watchers? A. Charles Banks and William Boice.

Q. The official ballots; were they indorsed third district? A. I couldn't say.

Q. As far as you know? A. Yes.

Q. Republican as well as the others? A. Yes.

Cross-examination :

By Mr. GARDNER:

Q. When you examined them in the morning you refer to the ones that were on top of the piles? A. Examined as to the numbers that were in the pile; we had to account for the number; that is what we were charged with.

Q. You examined as to the number of the ballots? A. Probably five hundred was in each.

Q. You didn't examine as to the indorsement? A. No, sir.

Q. You are not able to state whether the indorsement of all the ballots was correct or not? A. Don't swear positively what district they were for.

By Mr. O'NEIL:

Q. You saw no mistake? A. No, sir.

Q. You can read and write? A. Yes, sir.

Q. Your business there was to determine whether the ballots were regular or not; that was part of your official duty? A. To receive the number of ballots and account for them properly.

Q. You heard no one make any objection to any irregularity either as to the number of the ballots or as to the indorsement upon them? A. Not the ballots we distributed.

By Mr. HIRSCHBERG:

Q. Did you see any official ballot that day that was indorsed first district instead of third? A. I could not swear that I did.

By Mr. O'NEIL:

Q. And you didn't hear of any? A. No, sir.

By Mr. GARDNER:

Q. You heard Mr. Erwin testify? A. Yes, sir.

Q. That he did bring the attention of the inspectors or the clerk to fact that the indorsement wasn't correct? A. Yes, sir.

Q. May he not have made that statement to the clerk and you not know it? A. I didn't remember hearing him.

Q. May he not have made it to the clerk and you inadvertently not known it? A. Yes, sir.

Q. You have known Mr. Erwin for some years? A. Yes, sir.

Q. He is a respectable citizen of your town? A. Considered so; yes.

Q. You have no reason to doubt the truthfulness of his statement if he made it?

Mr. COUNTRYMAN.— We object to that.

The WITNESS.— I don't say but he might have said that, but I didn't hear anything of it.

By Mr. O'NEIL:

Q. You were there all day? A. Yes, sir.

Q. And you are one of the clerks? A. Yes.

Q. Mr. Tice was your associate? A. Yes.

Q. You sat close together? A. Yes, sir.

Q. How far did Mr. St. John, Mr. Bell and Mr. Kuykendall sit from you? A. As far as these gentlemen.

Q. They could hear anything that was said in an ordinary tone of voice? A. Yes, sir.

By Senator ENDRES:

Q. You have no hard feelings against Mr. Erwin? A. No, sir.

Q. On friendly terms with him? A. Yes.

By Mr. O'NEIL:

Q. You are warm personal and political friends? A. Yes, sir.

FERRIS ST. JOHN, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you live? A. Town of Mamakating; Summitville.

Q. In the third election district? A. Yes, sir.

Q. Did you live there at the last general election? A. Yes, sir.

Q. What were your duties there? A. I was one of the inspectors.

Q. A Democratic inspector? A. Yes, sir.

Q. For that district? A. Yes.

Q. Do you know John Erwin? A. Yes, sir.

Q. How long have you known him? A. For a number of years.

Q. You and he were friendly? A. Yes, sir.

Q. Both personally and politically? A. Yes sir.

Q. Mr. Erwin is quite an active Democrat in that district? Yes, sir; has been for a number of years.

Q. Were you there when the ballots came there in the morning? A. Yes, sir.

Q. Did you discover then the sample ballot attached to the Republican official ballots was of the first district? A. I didn't discover the sample ballots.

Q. Who did discover it? A. The ballot clerks.

Q. Was your attention called to it? A. No, sir; not at that time.

Q. You were inspector there, were you there all day? A. All day.

Q. Were you looking out to see if there were any irregularities or mistakes in the ballots? A. I was watching what I could.

Q. That was part of your duty to see the ballots were all right? A. Yes.

Q. Were the official Republican ballots of that district indorsed third district, properly indorsed? A. I couldn't say.

Q. Is it a fact your official ballots there were indorsed first district?
A. I couldn't say.

Q. Did any one make any complaint of that kind that day?
A. No, sir.

Q. That you had the first district official ballots there? A. Not that I heard.

Q. Did John Erwin call the attention of the inspectors; "when I first went in there at that time, I thought it was a mistake in their tickets, thought we had received the wrong tickets; some of them made the remark they were all right;" is it a fact he so stated?
A. Didn't call my attention to it or the board.

Q. Nothing of that kind was said by Mr. Erwin? A. Didn't call the board.

Q. Did Mr. Erwin or any person call the attention of the board to the fact that your official ballots were indorsed first district? A. Not that I heard.

Q. Would you have heard it if there had been any such conversation there? A. I think I would.

Q. Did you ever hear there was any irregularity or mistake in reference to the ballots? A. Not that day.

Q. When did you first hear of it? A. Some time afterward.

Q. Wasn't it after this investigation commenced up here? A. I think it was.

Q. After this contest commenced between Lamont and Richardson? A. Yes, sir.

Q. Is it a fact that you did have attached to your official ballots the sample ballot of the first district? A. I couldn't swear that I did, any more than there is told me.

Q. You are willing to swear that Erwin or no person called the attention of the board of inspectors to the fact that you had the wrong tickets in your district? A. No, sir.

Cross-examination:

By Mr. GARDNER:

Q. Were you around there all forenoon? A. I was there all day; from 8 o'clock until 8 o'clock in the evening.

Q. Are you able to state where your seat was that day? A. Yes, sir.

Q. Were you very far distant from one of the clerks? A. The ballot clerk?

Q. Yes. A. Some ten feet probably.

Q. Isn't it a fact there were more or less people in there in the forenoon at all times? A. Yes, sir; they were voting.

Q. Talking? A. Yes, sir.

Q. Some noise, more or less, from the talking? A. Yes, sir.

Q. Do you remember of seeing Mr. Erwin in there that day?
A. He was in there.

Q. Do you recollect of having seen him now? A. Yes, sir; he was in there.

Q. Do you remember the fact of having seen him, or do you base your knowledge upon what others say? A. Certainly I seen him there.

Q. What time of day did you see him there? A. I couldn't tell how many times; several times through the day.

Q. Are you able to state that you saw him there in the forenoon?
A. Yes, sir; I think he was there in the forenoon.

Q. Are you able to state surely that you saw him there as early as 10 o'clock? A. I wouldn't be very positive about that.

Q. If he was there then you didn't know it; you don't remember it now positively? A. I don't remember it now positively; I don't know what hour of the day he was there but he was there.

Q. You say he was there several times during the day? A. He was there out and in.

Q. Isn't it a fact that you did some talking with some of the voters that came in there that day? A. Very little said to them; I had other business.

Q. What was your business? A. I was keeping a record.

Q. You attended your business pretty strictly? A. Yes, sir.

Q. While you were attending to your business in keeping a record of what was going on, may not Mr. Erwin have been in there early in the morning and said something to the clerk on the other end of the board in regard to the regularity of the ballot and you not know it? A. If he did I don't know it.

Q. He might have and you not know it? A. He possibly might.

Q. So you are not able to swear positive that he did not say something? A. No, sir.

Q. To anybody excepting yourself; you are sure he didn't say anything to you? A. Yes; I am sure of that.

Q. You are the only one that you are able to state positively?
A. He didn't call the board's attention in my hearing.

By Mr. O'NEIL:

Q. Had he made any appeal to the board of that kind you would have heard it? A. I think I would; I was there, right there.

By Mr. HIRSCHBERG:

Q. Was there any way in which you could tell that day when these ballots were presented by the voters to the inspectors which ticket they were voting? A. Not that I seen.

Q. Was there any difference on the back that indicated which one they were voting? A. No, sir.

Q. Was there any difference in the indorsement on the back between the Republican, Democrat, Prohibition and Labor ticket? A. I didn't notice any.

Q. Did you hear of any that day? A. I didn't.

By Mr. O'NEIL:

Q. What did you vote? A. I voted the Democratic ticket.

Q. You voted for Mr. Lamont? A. I voted my men regardless.

Q. You voted the straight democratic ticket? A. Certainly.

By Mr. HIRSCHBERG:

Q. Did you receive some of the tickets during the day? A. No, sir; the chairman received all the tickets.

Q. Did you see them? A. Nothing more than I saw him tear the stubs off.

Q. You saw them as they lay there during the day? A. Yes.

Q. Did you see any difference between one party and the other? A. I didn't notice any difference.

Q. Notice whether there was any difference in the indorsement? A. I didn't.

By Mr. DIMMICK:

Q. Did you notice the indorsement at all? A. Not the number of the district.

EDGAR STANTON, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you live? A. Wurtsboro, Sullivan county.

Q. Wurtsboro is in the second election district? A. Yes, sir.

Q. Did you live there at the last general election? A. Yes, sir.

Q. Are you the person that carried the tickets from the town clerk's office in Wurtsboro to Summitville in the third district? A. Yes.

Q. Who was there when you got there? A. Henry Kuykendall one of the inspectors, and Mr. St. John; I don't recollect who the other one was.

Q. Was Mr. Bell there? A. Yes, sir.

Q. Harmon Tice there? A. Yes, sir.

Q. Was John Erwin there? A. Yes, sir.

Q. Was the other clerk there, Mr. Farrell? A. Yes, sir.

Q. Did they open the ballots to see if they were all right? A. Yes, sir.

Q. What did they find? A. They pronounced them all right.

Q. And looked them over? A. Yes, sir.

Q. Looked at the indorsement? A. Yes, sir.

Q. Did they pronounce them all right? A. Yes; they signed the receipt.

Q. Is it a fact the sample ballots were transferred? A. I didn't hear them say anything about it.

Q. They looked at the official ballots and pronounced them all right? A. Yes.

Q. They were some time doing that? A. Quite a while.

Q. Did John Erwin have anything to say about it? A. Yes; he said he didn't see what the use was counting them, they were all right.

Q. After he had inspected them? A. He stood and looked on.

Q. He said he didn't see any use keeping you there and counting them, that they were all right? A. Yes, sir.

Cross-examination :

By Mr. DIMMICK :

Q. Were the ballots faced up or backs up when he was counting them? A. Backs up, I think.

Q. How many ballots did they look at? A. They counted them all over.

Q. Take them one by one? A. They lifted them over.

Q. Lifted them over at the end? A. Yes, sir; the same as you would money.

Q. They wouldn't disclose the indorsement on the back when they lifted them over? A. No, sir.

By Mr. O'NEIL:

Q. They did look at the indorsement? A. Yes, sir; to see whether the numbers corresponded.

By Mr. DIMMICK :

Q. You mean on the stubs? A. I mean on the numbers.

By Mr. O'NEIL:

Q. On the back of the ticket? A. Yes, sir.

By Mr. DIMMICK:

Q. To see whether the district was on? A. I don't recollect about the district.

Q. They didn't lift the tickets all over this way and look into every one of them to see whether the number of the district was on? A. No, sir; they didn't open them; the same as you would lift money; to see whether the numbers corresponded.

Q. To see whether there were five hundred there, wasn't that the object? A. I believe so.

By Mr. O'NEIL:

Q. You delivered them just as you got them? A. Yes, sir; and they signed the receipt.

WILLIAM H. DECKER, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you live? A. Bloomingburgh, town of Mamakating, county of Sullivan.

Q. What election district? A. First election district.

Q. Were you one of the board of inspectors in that district at the last general election? A. I was.

Q. You were the Democratic member? A. Yes, sir.

Q. Who were your associates? A. William Hornbeck and Charles Holsapple.

Q. Mr. Hornbeck sick? A. I understand it so.

Mr. O'NEIL.—I have a letter here stating he is sick and I have a certificate of a doctor.

Q. Who were your ballot clerks there? A. Charles Norbury, a Democrat and Alfred Clark, a Republican.

Q. Were there any watchers there? A. Yes, sir.

Q. Who were the Democratic watchers? A. George Garvin.

Q. Who the Republicans? A. Dore Bell.

Q. Were you there when the tickets came in the morning? A. Yes, sir.

Q. Who brought them to you? A. I don't know who it was.

Q. Wasn't it young Bennett? A. I wasn't acquainted with him.

Q. Would you know him if you saw him? A. No, sir.

Q. (Bennett stands up.) That the young man? A. I don't know; I wouldn't swear to it.

Q. A good looking boy like him? A. Something similar.

Q. Did you look at the ballots when they came there that morning to see whether they had the proper indorsements on? A. Yes, sir.

Mr. DIMMICK.—There is no charge there was any improper indorsement in the first district in the town of Mamakating?

Mr. O'NEIL.—They had alleged a charge and have attempted to prove that the ballots of the third district, the first district indorsed, were voted in the third district; now we will show—

Mr. WASHBURN.—We prove they were wrong in the third district.

Mr. DIMMICK.—We prove by Norbury the ballots in the first district were correctly indorsed.

Senator ENDRES.—If that is so—

Mr. O'NEIL.—If they say the first district were properly indorsed and properly numbered we will take that admission.

Senator ENDRES.—Go ahead.

Mr. HIRSCHBERG.—We will show that the first district had the third district sample ballots.

Q. State whether or not your ballots were properly indorsed? A. The official ballots were.

Q. How about the sample ballots? A. They were not; they were the third district.

Q. Was that detected immediately when they first came there? A. Yes, sir.

Q. The board thought that would make no difference? A. Yes, sir.

Q. As long as the official ballots were right? A. Yes, sir.

Q. Is it a fact the official ballots were right? A. Yes.

Q. Properly indorsed? A. Yes.

Q. With the number of the district on? A. Yes.

Q. Is it a fact you had the sample ballot of the third district? A. Yes.

Q. That was discovered early in the morning? A. Yes, sir.

Q. By every one of the members of the board? A. Yes, sir.

Q. They were white ballots, the official ballots? A. Yes.

Q. What color was the sample ballots? A. I think two different colors, red and green.

Q. Who counted the ballots that night? A. The inspectors.

Q. Did the clerks take any part in the count? A. I think not.

Q. The inspectors done all the counting so far as your recollection goes. A. Yes, sir.

Q. Did you count all the ballots? A. I did.

Q. You verified the count of the other inspectors? A. I counted them first.

Q. They verified your count? A. Yes, sir; I counted them by tens.

Q. They verified your count? A. Yes, sir.

Q. All agreed? A. Yes, sir.

Q. Tally? A. Yes, sir.

Q. Found them all right? A. Yes, sir.

Q. Everything was regular? A. Yes, sir.

Q. Was your complement of ballots full; did you have as many Democratic official ballots as you had Republican in the morning? A. Yes.

Q. As many Republican as you had Democrat? A. Yes; as many Prohibition and Social and Labor.

Q. No irregularity? A. No, sir.

Q. You are a Democrat and voted the Democratic ticket? A. I did.

Q. Straight ticket? A. Yes, sir.

Cross-examination:

By Mr. DIMMICK:

Q. Do you know each inspector handled every ballot at that poll? A. Yes, sir.

Q. The split as well as the straight? A. Yes.

Q. When you came to count the split ballots wasn't Mr. Norbury the man that handled the split ballots? A. No; we laid them all out each one by themselves and all the straight tickets were counted first and then we took up the split ticket.

Q. When it came to counting the split tickets wasn't it Mr. Norbury counted the split tickets and announced the count and you inspectors put it down? A. No, sir; all of us inspectors counted them; we done them up in ten and each inspector counted them over after one another.

By Mr. HIRSCHBERG:

Q. You say there were split tickets? A. Yes, sir.

Q. You didn't return them? A. They were all put up as they were.

Q. Not returned to the clerk? A. No.

Q. The actual tickets themselves, they were destroyed? A. They were destroyed.

Q. You don't know how many there were? A. No; I do not.

Q. Quite a number of them? A. Yes; several.

CHARLES G. BENNETT, JR., being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. You reside in Wurtsboro, county of Sullivan? A. Yes, sir.

Q. That is the second election district of the town of Mamakating? A. Yes, sir.

Q. You are a son of the town clerk of that town? A. Yes, sir.

Q. Are you the person who carried the ballots from your father's house or office to the polling place of the first election district? A. Yes, sir.

Q. At the general election? A. Yes, sir.

Q. What did you find after you arrived there? A. Found the sample ballots were for the wrong district.

Q. What district? A. Third district.

Q. Were you there when Mr. Decker and the other inspectors looked at the official ballots? A. Yes, sir.

Q. Is it a fact the ballots there were indorsed first district, properly indorsed? A. Yes, sir; for that district.

Q. The only mistake or irregularity was you had the sample ballots which belonged to the third election district of the town of Mamakating? A. Yes, sir.

Q. That was the result of all the investigation that morning; they looked them over? A. Yes.

Q. Looked them over and counted them and determined the official ballots were all right? A. They didn't count them while I was there.

Q. They looked them over to determine whether they were properly indorsed? A. Yes, sir.

Q. It was discovered when you first went there the sample ballots were wrong? A. Yes.

Q. Then they looked at the official ballots to see whether they were wrong or not? A. Yes.

Q. And they found they were right? A. Yes, sir.

Q. Then they sent you home with the receipt? A. Yes, sir.

Cross-examination:

By Mr. GARDNER:

Q. Did you examine the ballots yourself? A. No, sir; I didn't look at them.

Q. All you know about it is what they said? A. Yes, sir.

By Mr. O'NEIL:

Q. You took them just as your father gave them to you? A. Yes.

Q. Delivered them? A. Yes, sir.

MELVIN BILLINGS, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you live? A. Ellenville.

Q. Did you live in Bloomingburgh at the last general election? A. Yes, sir.

Q. That is the first election district? A. Yes, sir.

Q. Did you vote there? A. Yes.

Q. Did you hold any position there on the board of election? A. I was poll clerk.

Q. For whom? A. For William Decker.

Q. What are his politics? A. Democrat.

Q. Did you vote the straight Democratic ticket? A. I did.

Q. Decker was the Democratic inspector? A. Yes, sir.

Q. Were you there when the tickets were brought there in the morning? A. No.

Q. Was there any discussion about the sample ballot? A. Not that I heard of.

Q. How were the official ballots there indorsed, official Republican ballots, were they properly indorsed, first district? A. I believe so.

Q. Don't you know they were? A. Yes.

Q. Who counted the tickets that night? A. The inspectors.

Q. Clerks take any part in it? A. No, sir; none whatever.

Cross-examination:

By Mr. GARDNER:

Q. The tickets you saw, the ballots were properly indorsed? A. Yes, sir.

Q. You didn't see all of them? A. No, sir.

DORE BELL, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you live? A. Bloomingburgh.

Q. The first district of the town of Mamakating, Sullivan county? A. Yes, sir.

Q. Did you live there at the last general election? A. Yes, sir.

Q. Did you vote there? A. Yes, sir.

Q. Did you hold any position there? A. Yes, sir; watcher.

Q. For which party? A. Republican party.

Q. Were you there when young Mr. Bennett deposited the votes there in the morning? A. I was.

Q. Was there some question raised there as to the regularity of the sample ballot? A. Yes, sir.

Q. Was that immediately detected? A. Yes, sir.

Q. As soon as the package was opened? A. Yes, sir.

Q. By whom? A. By one of the inspectors.

Q. That aroused some comment? A. Yes, sir.

Q. Did they then inspect the official ballots to see whether they were all right? A. Yes.

Q. What did they find? A. They said they were all right.

Q. Properly indorsed with the proper district? A. Yes, sir.

Q. Were you there in the evening when the ballots were counted?

A. I was.

Q. Did the inspectors count the ballots? A. They did.

Q. Did the clerks take any part in it? A. They separated them.

Q. Did the watchers take any part in the count? A. No, sir.

Q. The inspectors did the counting? A. Yes, sir.

Q. Did the clerks take any part in the count itself? A. No, sir; no more than separate the ballots.

Q. They took no part in the actual count of the ballots? A. No, sir.

Q. The inspectors did that themselves? A. Yes, sir.

Cross-examination :

By Mr. DIMMICK:

Q. You don't know of your own knowledge whether they were properly indorsed? A. No, not for certain; I heard the inspectors say they were all right.

FRED BENNETT, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. You reside in Bloomingburgh? A. Yes, sir.

Q. First election district of the town of Mamakating, in the county of Sullivan? A. Yes.

Q. Were you present at the polls in that district at the last general election? A. Yes, sir.

Q. There in the evening? A. Yes, sir.

Q. Were you a watcher? A. Yes, sir.

Q. You went there in the place of your father? A. Yes, sir.

Q. There when the votes were counted in the evening? A. Yes, sir.

Q. Who counted them? A. The inspectors.

Q. Did the clerks take any part in it? A. No, sir.

Q. No one else took any part in the actual count except the inspectors? A. No, sir.

Q. Did they pronounce the result correct tally? A. Yes, sir.

Q. Heard no question as to any irregularity? A. No.

Mr. DIMMICK.— No questions.

EDGAR L. SPROAT, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you live? A. Middletown, county of Orange.

Q. You have lived there for a number of years? A. Yes, sir.

Q. What election district did you vote in? A. Second election district of the first ward.

Q. Do you remember what day you registered? A. Second day of registry; I can't say the date.

Q. Who was present when you registered? A. John Cowell, the registry clerk, and Samuel Foster.

Q. John Cowell was the person that was sworn at the last hearing? A. Yes, sir.

Q. He was clerk of the registry? A. Yes.

Q. Were you there a good deal of the time while the registering was going on? A. Occasionally.

Q. Did several other people register there when these same persons were present and no one else? A. Yes, sir.

Q. How many about? A. I couldn't say.

Q. When Foster and Cowell were there all alone? A. My impression is there were five; there were five at the time I registered, I think.

Q. At other times did you see them register, at other times other persons when these two parties were there or either one was there alone? A. I am not positive about that.

Q. Was there any registry book there? A. There were registry books there.

Q. Were they used? A. No, sir; not while I was there.

Q. What did you use when you registered? A. Piece of legal cap; I think it was on foolscap.

Q. No regular book? A. No, sir.

Q. You noticed that particularly? A. Yes, sir.

Q. Do you know what the official position of Mr. Foster was there? A. All excepting he was acting—he was acting, I should judge, as inspector.

Q. What did he do that indicated he was inspector? A. When I went in; I went in perhaps half-past 9 first and there was no one present but the clerk; I went to the post-office and returned home and stopped in the place of registry.

Q. Did any one register when you first went in there? A. No; but there were three names on the paper; I didn't see them register.

Q. In his handwriting? A. I couldn't say as to that.

Q. Did he have the paper? A. Yes.

Q. Lying in front of him? A. In front of Mr. Cowell.

Q. These three names were on this paper; you came back? A. I came back and Mr. Foster says to me, "Do you wish to register?" I made remark perhaps I was registered, and he said all right, and

I am under the impression, although I am not positive about that, that I wrote my own name on the paper, on the sheet of paper; my impression is that I stepped close to the table and Mr. Foster said to me, I won't say which one, "register yourself."

Q. And you did register yourself? A. Yes; I am positive I did.

Q. And five others? A. Not five others.

Q. Five others were registered about the same time? A. After that; I think that was in the afternoon.

Q. Were you there at any other time while people were registering? A. In and out during the whole day.

Q. During the four days of registration did you see others there besides these five and yourself? A. Oh, yes.

Q. Who was there when you saw these others registered? A. I couldn't say.

Q. Did you see anyone else registering when nobody was there but Cowell and Foster? A. I don't think I did, but I am not positive of that.

Q. What time of day was this? A. It is my impression it was nearly 12 o'clock.

Q. That is when you first went in? A. No, when I first went in and didn't register was shortly after nine, between 9 and 10, and on my return I should judge it was a quarter to 12.

Q. Who were the regular inspectors there; what hours after that were you in that day? A. I couldn't say.

Q. You were around a good deal of the time? A. A good deal of the time.

Q. Was that way all day; who comprised the inspectors of that district? A. Mr. Foster was acting when I was there.

Q. Who were the regular inspectors elected? A. Daniel B. Sweeney and Frank Cowell.

Q. Frank was the inspector and John F. the clerk? A. Yes, sir.

Q. Johnnie was the one that was here at the last meeting? A. Yes, sir.

Q. He was the clerk? A. Yes.

Q. And Frank the inspector? A. Yes.

Q. Who else? A. Ames McIntyre.

Q. They comprised your regular board of inspectors? A. Board of registry.

Q. Do you know the majority that Mr. Flower received in that district? A. My impression is it was sixty-one.

Q. And Mr. Lamont about sixteen or eighteen? A. I think it was sixteen.

Q. Is it a fact Mr. Lamont did run behind his ticket in almost every district in the city of Middletown? A. A number of districts.

Q. How do you account for that?

Mr. DIMMICK.—To that we object.

Senator ENDRES.—He would be expressing his own opinion. Would that have any weight?

Mr. HIRSCHBERG.—What did you hear about it?

Mr. DIMMICK.—I object to that.

Mr. HIRSCHBERG.—If there is any expression of opposition—

Mr. O'NEIL.—Senator Greene, Judge Greene, was very popular there and there was a strong feeling in his favor for this nomination, and they never overcame that feeling from the time of the nomination until election time; there was one district where he ran fifty behind; it is to meet the idea it was not the German Club.

Q. Did you know Democrats that expressed themselves in opposition to Mr. Lamont by reason of the fact they were friendly to Mr. Greene?

Mr. DIMMICK.—We object to that.

Senator ENDRES.—Let it go in.

Q. Not only there but all through that section of country? A. There was a very bitter feeling on the part of some Democrats immediately after the Democratic convention.

Q. Your politics are what? A. Republican; a very bitter feeling, and they threatened they would carry it to the polls, which some of them did.

Q. Was it a fact some were unreconciled at the time of election? A. That is my understanding.

Q. Some prominent Democrats? A. Yes, sir.

Q. There was a general dissatisfaction among the rank and file of the Democratic party? A. I don't know how general it was.

Mr. GARDNER.—We object to this evidence.

Mr. O'NEIL.—I simply want to draw this fact out.

Senator ENDRES.—You are getting the authority from a Republican at that; I don't think it will have one particle of influence with the committee in arriving at a decision.

Mr. O'NEIL.—It is to answer this general charge of fraud; their general argument is Mr. Lamont ran behind because there was fraud in this district and we meet that by showing the reason why he ran behind there; Mr. Lamont was a man that wasn't known there, and in the second place Mr. Greene was a man that was well known and intensely popular, and these men remained unreconciled up to the day of election.

Mr. WASHBURN.—If the committee desire to go into evidence of this character — if they produced a Democrat it might amount to the shadow of something; we can produce plenty of Republicans to prove Mr. Richardson's unpopularity in his party, if it is worth anything.

Cross-examination.

By Mr. DIMMICK:

Q. You have been an active Republican partisan most of your life?
A. A good share of my life.

Q. You knew of what you call an improper registration in you district in Middletown that day, did you not? A. Yes, sir.

Q. You took no means to correct that registration? A. The minority have but little rights.

Q. They are not in the minority in Middletown? A. Are in the second ward.

Q. Did you take any means to correct the wrong that was committed, any legal means? A. No, sir.

Q. Or your party? A. No, sir.

Q. Did you call the leaders of your party to the fact there was illegal registration going on? A. Not until after election.

Q. While you were there and saw these five persons registered were they entitled to registration? A. Yes, sir.

Q. You were entitled to registration? A. Yes.

Q. And every person, so far as you know of, was entitled to registration? A. Yes, sir.

Q. Then there was no illegal registration? A. I don't think there was.

By Mr. O'NEIL:

Q. There was no illegality in the persons who registered putting their names there? A. No, sir.

Q. You don't know anything about the composition of the board?
A. No, sir.

Q. Except Mr. Cowell was simply a clerk? A. Yes.

Q. Mr. Foster was there acting as an inspector? A. Yes.

Q. You don't mean to say if he wasn't regularly appointed and sworn in it was legal? A. No; if he wasn't an inspector it certainly wasn't.

SAMUEL FOSTER, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you live? A. Middletown.

Q. How long have you lived there? A. Twenty years.

Q. Where were you at the last general election of the city? A. In Middletown.

Q. What were you doing there during the registration day? A. Two of the registration days I officiated for A. E. McIntyre; two half days.

Q. You officiated for him? A. Yes, sir.

Q. Were you there when Mr. Sproat, the last witness, came there to register? A. Yes, sir.

Q. Who else was there with you? A. I believe John Cowell.

Q. He was a clerk? A. Yes, sir.

Q. Were you the only persons present when he registered? A. I believe we were.

Q. Several other names registered while you two were there alone? A. Yes, sir.

Q. Were you ever sworn in as inspector? A. No, sir.

Q. Did you take any oath? A. No, sir; I didn't know it was necessary.

Q. Is it a fact that you kept no registry book there? A. As they registered they put them down on paper, and at the close of the day they put them in the book.

Q. They took the names down on pieces of paper? A. Yes, sir.

Q. Loose pieces of paper; detached pieces? A. Yes, sir.

Q. It is a fact Mr. Sproat put his own name down there? A. I really can't remember, but I believe he did.

Q. You are positive you never were sworn in or took the oath of office? A. I am positive.

Q. You didn't know the law required it? A. I did not else I wouldn't have done it.

Q. You served there how long? A. Two half days; I commenced before 12 o'clock and stayed until 7 in the evening.

Q. Were you there alone a good portion of the time? A. About dinner time I was there alone.

Q. Isn't it a fact a good portion of the time you were there alone? A. Quite a portion.

Q. How many names were registered during the time you were there acting as inspector? A. I couldn't say; I should think there must be half a dozen or more while I was there alone — there were quite a number.

Q. As many as a hundred during the two days you were there? A. Probably there was.

Q. You were there alone a good part of that time? I was alone a good part of the time from 12 to 2, while the others went to dinner.

Q. You served all the time during the four days? A. No; two half days.

Q. Were those the last two days? A. I am not quite positive of that.

Q. This was the second district of what ward? A. Second district of the first ward.

Q. That is the same place that Mr. Sproat voted? A. Yes.

Q. And that Mr. John Cowell acted as clerk? A. Yes, sir.

Cross-examination:

By Mr. DIMMICK:

Q. What are your politics? A. I am a Republican.

Mr. HIRSCHBERG.—There has been a statement made in one of the county papers that Mr. Lamont, the contestant, was shamming sickness to avoid the service of a subpoena from our side, and that statement has been copied more or less in the county papers. It is a statement that does great injustice to Mr. Lamont, and I wish to correct it. There has been no subpoena issued by our side for him, there has been no intention of calling him, and the statement, so far as I am aware, and I learn also from my associates, the same is not true. Whatever may have been the origin of Mr. Lamont's sickness, it certainly is not due to any intention on his part to avoid testifying in this contest. We would be willing to examine Mr. Lamont if there is any subject he desires us to examine him about, and he has offered himself as a witness.

The committee adjourned until Tuesday, March 22, 1892, 7.30 P. M.

ALBANY, TUESDAY, *March 22, 1892* — 7.30 P. M.

The committee met pursuant to adjournment.

Present.—Chairman Roesch and Senator Endres.

CHARLES HULSLANDER, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. Bloomingburgh.

Q. Were you one of the inspectors of election in one of the districts of the town in which you live? A. Yes, sir.

Q. What town is Bloomingburgh in? A. Town of Mamakating, Sullivan county.

Q. What district? A. First district.

Q. Were you the inspector of election in that district last fall? A. Yes, sir.

Mr. DIMMICK.—We will admit he will swear the same as the other inspector that was here at the last hearing.

Q. The official ballots were all right in your district? A. Yes, sir.

Q. And marked "First district?" A. Yes, sir.

Q. Including the Republican ballot as well as the others? A. Yes, sir.

Q. It was the sample ballots only that were the ballots of the third district? A. Yes, sir; the sample ballots only.

Q. Were the inspectors there all day long? A. Yes, sir.

Q. Were there any irregularities in the district at all that day? A. No, sir.

Mr. GARDNER.—No questions.

WILLIAM HORNBECK, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. You heard his testimony? A. Yes.

Q. And you verify the statements he made right through? A. Yes, sir.

Q. In all the questions and answers? A. Yes, sir.

JOHN H. MOSS, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you reside? A. One hundred and thirty-five Lander street, Newburgh.

Q. Were you one of the inspectors of election in the third district of the third ward last fall? A. Yes, sir.

Q. In Newburgh? A. Yes, sir.

Q. Who were the other two inspectors of election? A. E. M. Peattie and DeWitt C. Cameron.

Q. Did the Democratic inspector verify the count of the votes by you and Mr. Peattie? A. Yes, sir.

Q. Did you count your share of the ballots correctly? A. I did; yes, sir.

Q. Did you verify Mr. Peattie's count? A. What do you mean by "verifying?"

Q. Go over it after him? A. No, sir.

Q. You counted your own? A. I did.

Q. Counted them correctly? A. I did.

Q. And they were correctly and accurately returned as counted? A. Yes, sir; sure.

Q. You don't know anything about Mr. Cameron or Mr. Peattie's, only the result was correct in the total? A. In the total.

Q. You didn't count their ballots over after them? A. No, sir.

Q. The whole amount agreed with the poll-list? A. Yes, sir.

Cross-examination:

By Mr. GARDNER:

Q. If they made a mistake in their count you don't know it, do you?

A. I couldn't swear to any mistake.

Q. Your opinion as to the correctness of the result is somewhat speculation, you don't know whether it was correct or not, do you; all you know about it is what they said as to their count? A. All I know about it is, that there were democratic watchers on my side and so on around.

By Mr. HIRSCHBERG:

Q. You were watched by a Democratic watcher? A. I was.

Q. And he was satisfied with your count? A. He certainly was.

Q. The other Republican inspector was watched by a Democratic watcher? A. Yes.

Q. And they were satisfied with his count? A. Yes.

Q. And there was a Republican watcher watching the Democratic inspector? A. Yes.

Q. And he was satisfied with his count? A. Yes.

Q. So they were satisfied all around? A. Yes, sir.

ANDREW W. TYGERT, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you reside? A. No. 328 Washington street, Newburgh.

Q. Were you an inspector of election last fall in the seventh district of the first ward of the city of Newburgh? A. Yes, sir.

Q. Who counted the ballots in the district at that election? A. The inspector.

Q. Anyone else? A. No, sir.

Q. Did either of the watchers or the poll clerks or ballot clerks? A. No, sir.

Q. Or handle the tickets? A. No, sir.

Q. Did you each count a portion of tickets, or did each of the inspectors count them all? A. Each counted a portion.

Q. Did you count correctly those which you counted? A. Yes, sir.

Q. Was the result as certified correct? A. Yes, sir.

Q. Did it balance and accord with the poll-list? A. Yes, sir.

Q. Were you watched by a Democratic watcher? A. Yes, sir.

Q. He was satisfied with the result? A. Yes, sir.

Cross-examination :

By Mr. GARDNER:

Q. If the others made a mistake in the count, those that counted the piles, certainly you don't know it? A. It all amounted up to the total.

Q. The several sums which they mentioned figured up and amounted to the total that you refer to? A. Yes, sir.

Q. You don't know whether the sums which they declared were correct or not, if you didn't count their ballots? A. There was only one Democratic inspector, and there were two Republicans.

Q. You know what I mean? A. Yes.

Q. Why don't you answer the question? A. I did.

Q. You wouldn't know whether it was correct or not unless you counted it yourself? A. Hardly.

Q. Your opinion as to the result being certified to as correct depends upon whether they counted their piles correctly or not? A. Sure.

Q. Which you are not able to state positively, are you? A. Hardly; no, sir.

Mr. HIRSCHBERG.—They have been examined as witnesses, and they have testified their count was correct, and I simply bring him to prove his count was correct.

JOSEPH COON, being duly sworn, testified as follows:

By Mr. HIRSCHBERG :

Q. Where do you live? A. Seven Clark street, Newburgh.

Q. Are you a member of the Sherman Club? A. Yes, sir.

Q. Were you a member of the Sherman Club last fall? A. Yes, sir.

Q. Did you receive any part of the donation that has been testified to in this contest? A. I did not.

Q. Or receive anything that day, election day? A. Nothing.

Q. Or any other day after election? A. Nothing.

Q. Do you know Mr. Henry Matthews? A. Yes, sir.

Q. Know him very well? A. Personally quite well; yes, sir.

Q. Did you hear him say anything about his testimony in this contest, what he expected or was to get for it? A. I did.

Q. State to the committee what he said.

Mr. DIMMICK.—We object to that.

Mr. HIRSCHBERG.—That objection has been ruled on a number of times; I suppose the ruling will be the same.

The WITNESS.—He made a statement in regard that he expected to receive a hundred dollars benefit.

Q. Where did he say that? A. Said that in Washington street, right opposite my aunt's house.

Q. Who were present at the time? A. There was her husband and Mr. Reed.

Q. What is her husband's name? A. Coleman Major.

Q. What Reed? A. Henry Reed.

Q. When did he make that statement? A. I couldn't say positive what the date of the month was; he made the statement, but it was before ever he came up here.

Q. Before he came here as a witness? A. Yes, sir.

Q. Did he say anything about anyone else coming here as a witness, what they could make? A. No, sir.

Q. Or ask anybody to testify? A. Nothing more than my aunt's husband.

Q. Did you hear him ask him? A. Yes.

Q. What did he say to him? A. He asked him to come down town with him; he wanted him to make a statement, if he went to a certain place he could get \$100.

Q. Did he say what place he should go to? A. No, sir.

Q. Did he say what he would go for? A. No, sir.

Q. Was it in connection with this contest? A. I presume it was.

Q. That was the subject of conversation? A. Yes.

Q. That was to Coleman Major he said this? A. Yes, sir.

Cross-examination :

By Mr. GARDNER:

Q. You have known Mr. Matthews for some time? A. Yes, sir.

Q. Never had any quarrel with him? A. No, sir.

Q. What time of day did you say this was? A. I didn't state the time of day.

Q. Can you state now? A. No; I couldn't state the time of day.

Q. Was it in the night-time? A. It was not in the night-time.

Q. In the day-time? A. Must have been.

Q. Do you know where Matthews was standing at the time he said that? A. I do not exactly; no.

Q. Was he in the street or in the yard? A. On the sidewalk.

Q. What were you doing there? A. I was coming from my aunt's house.

Q. You were coming out of the house? A. I had come out of my aunt's house.

Q. Where did Major stand when he said that to him? A. I don't know exactly.

Q. Who was Matthews talking to? A. He was talking to my aunt.

Q. Was Major around at the time? A. Major was in hearing.

Q. Where was he standing? A. I don't know where he was standing.

Q. Do you know where he was? A. He was in the street.

Q. How far? A. That I don't know how far.

Q. Are you sure of that? A. Yes, sir.

Q. Can't give any idea? A. No idea.

Q. You are as positive of that as anything you have stated on the stand? A. Yes, sir.

Q. What do you say then he was within hearing of Matthews for? A. Because he was in hearing.

Q. How do you know if you say you are positive you can't say where he stood? A. I don't know how far, but I know he was within hearing.

Q. Where was your aunt standing at the time? A. She was standing outside of her gate on the sidewalk.

Q. Do you know how far from Matthews? A. No, sir.

Q. Did she say anything back to Matthews? A. I should judge she did.

Q. What did she say? A. I don't know exactly what she said.

Q. You can't remember? A. No.

Q. Was Matthews offering her \$100 to go down to this place? A. Not that I know of.

Q. He was talking to her? A. Yes, sir.

Q. What did he say? A. He said that if she would let her husband go down — Coleman Major — down town with him that he could make \$100.

Q. Is that what you stated in answer to Judge Hirschberg? A. I presume it is.

Q. That is the truth, what you stated last, is it? A. Just the same.

Q. How long had you been a member of that Sherman club? A. Ever since it was organized.

Q. Did you attend the meeting a night or two before election last fall? A. I did.

Q. Did you see B. B. Odell there? A. Not as I remember of.

Q. Were you in Pelham's house on election day? A. No, sir.

Q. Alsdorf's? A. No, sir.

Q. Dawson's? A. No, sir.

Q. Where were you on election day? A. I was just able to hobble to the polls to put in my own ticket; I was at the time employed at the Merchants' hotel.

Q. What do you understand was to be done with this \$600 donation? A. It was donated to the club to organize a club of their own, or give an entertainment; whatever they were disposed to do with it.

Q. Did you understand afterwards it was divided among the members of the club? A. Not until I seen it in the papers.

Q. Do you know of any of the members that got any part of it? A. I don't know anything about the distributing of the funds at all.

Q. Do you know what they have done with the funds since they received it? A. I do not.

Q. What Mr. Matthews swore to, are you able to state in any particular it was false? A. I haven't heard him swear to anything.

Q. When Mr. Matthews swore the club got a \$600 donation and it was divided up among the members of the club, are you able to state whether that is true or false? A. I am not able to state, as I said before.

Q. Will you tell me what Mr. Matthews wanted Mr. Major to swear to? A. I do not.

Q. He didn't ask your aunt to tell him to swear to anything in particular? A. Not as I know of.

Q. When did you last attend the Sherman Club? A. I couldn't tell you exactly; when was the last meeting?

Q. Was it before or after the last election in the city of Newburgh? A. It was before the last election.

Q. Did you attend after the fall election? A. I attended several meetings after the fall election.

Q. Was there anything said in the meeting in regard to the fund of \$600 after election? A. Not at any meeting I attended.

By Mr. HIRSCHBERG:

Q. The club meets quite regularly? A. Yes; a great many meetings since the last fall election.

Q. You are a regular attendant? A. Yes, sir.

By Chairman ROESCH:

Q. Are you an officer of the club? A. No, sir.

Q. Were you? A. I were once.

Q. Were you in the club-rooms the night Mr. O'Dell delivered a speech? A. Yes, sir; I was.

Q. What did he say? A. He didn't say anything more that I remember of; he said he trusted the club as being a good, solid,

Republican club, and stand up to their rights, and that was all the address I can remember.

Q. Tell you all to vote straight? A. Not as I remember.

Q. Who was your treasurer? A. I believe it was William Dawson.

Q. Do you know anything about his getting any money? A. I do not.

Q. Did you have any furniture; the club? A. One of the white members had got us the privilege of the room; the furniture in the room.

Q. It wasn't your room at all? A. No; only friendly given us.

Q. They met in that room? A. Not in the same room; they had another room previous to that.

Q. Same building? A. Same building.

Q. Do they still meet there? A. I presume they do.

Q. You meet there? A. I do.

Q. Lately? A. Not lately, because I am steward on a boat and I am not permitted to get there.

Q. How often were you there before last election? A. Whenever I was permitted to attend them I always attended the meetings.

Q. How many members in that club? A. I couldn't tell you how many there is.

Q. How many were there there before election? A. Something over a hundred.

By Mr. HIRSCHBERG:

Q. All Republicans the members of the club? A. Yes, sir.

Q. And always voted straight? A. Yes, sir.

Q. Didn't require any admonition from the State committee in that respect? A. No.

By Senator ENDRES:

Q. When this hundred-dollar conversation was talked about, did he say who was to give this hundred dollars? A. No, sir.

HENRY REID, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. Two hundred and fifty Washington street, Newburgh.

Q. Are you a member of the Sherman Club? A. I am.

Q. Were you last fall? A. I was there.

Q. Did you receive any part of the donation that has been given considerable prominence in this proceeding; the \$600? A. No, sir.

Q. Did you hear Matthews talking to Mr and Mrs. Coleman?
A. No, sir; I wasn't there that time.

Q. Did he say anything to you? A. He said something to me; he spoke to me about going down with him; that I could make sixty dollars if I would go with him down street.

Q. For what purpose? A. Say two or three words.

Q. In reference to what? A. To go down to Mr. Gardner's office with him, and I could make sixty dollars; so I did not go with him, and I spoke to Major and Dawson, and the next thing I saw Major was running after Dawson asking him about it.

Q. Did he say what he was making, Matthews? A. No, sir; he didn't say what he was making.

Q. When was this? A. That was here early last fall.

Q. Before he was examined as a witness? A. Yes, sir.

Q. What about did he want you to say two or three words? A. I don't know; he never stated to me the words to say.

Q. Where did he tell you this? A. My going down Broadway.

Q. Are you still a member of the club? A. I am.

Q. Have you been to meetings since the election? A. I have.

Q. Several of them? A. Yes, sir.

By Chairman ROESCH:

Q. When were you to the last meeting? A. This last month.

Q. Was there anything said at any meeting that you attended about the donation? A. There was.

Q. What was said? A. That there would be a donation to the club, to keep our club up.

Q. How much of a donation? A. I don't know exactly how much there was.

Q. Six hundred dollars? A. I understood so I believe.

Q. Did you get any share of that? A. I did not.

Q. Do you know anybody that did? A. No, sir.

Q. Wasn't told anybody got a share? A. No, sir.

Q. Who got that \$600? A. I don't know who got it.

Q. Who paid it? A. I don't know that either.

Q. Did any of the members tell you who paid the money? A. No, sir.

Q. Or who received it? A. No, sir.

Q. Some of the gentlemen who have been here as witnesses in this case, and who were members of the Sherman Club, told us they got five dollars and forty-five cents apiece, and some of them got three dollars; I think one or two got only two dollars; what do you say to that; ever hear about that before? A. I heard told of it.

Q. You didn't know anything about it yourself? A. I didn't know anything about it; I didn't see it.

Q. Are you an officer of the club? A. No, sir.

Q. Ever was? A. I was not.

Q. Where were you on election day? A. I was out to Mr. Vail's working; I came down at noon time and voted.

Q. Did you see Mr. Dawson? A. I did not until the next day.

Q. Where did you see him? A. Saw him on the street.

Q. Talk to him? A. I did.

Q. Ask him anything about the \$600? A. No, sir.

Q. Make any inquiries after you heard some of you got five dollars and forty-five cents to know why others didn't get their share? A. No, sir; I did not.

Cross-examination:

By Mr. GARDNER:

Q. Where did you vote that day? A. I voted in the sixth district.

Q. What time? A. I don't know; in the afternoon.

Q. Who handed you the ballot? A. I went up to the ballot-box and got it.

Q. Can you read and write? A. I can not.

Q. Who showed you which one to vote? A. I got the four ballots and I folded, and held them in my hand.

Q. Which one did you vote of the four? A. I voted the right one.

Q. How could you tell which was the right one if you couldn't read? A. I had four ballots and I folded all four, and I held one and three in one hand, and handed him the other.

Q. What ticket did you vote that day? A. I suppose I voted the Republican ticket.

Q. Did you have any paster? A. I did.

By Chairman ROESCH:

Q. You put a paster on every one? A. I put a paster on one.

By Mr. GARDNER:

Q. How many pasters did you have? A. Three or four.

Q. You put them on the ballot? A. Put one on one ballot.

Q. You did so with the four? A. I held the one I put in, I put a paster on.

Q. Who gave you that paster? A. I got that paster from one of the workers around the polls; I couldn't remember exactly who.

Q. Was it Smith? A. No, sir.

Q. Rourke? A. No, sir; I don't know who it was.

Q. Pelham? No, sir.

Q. Alsdorf? A. No, sir.

Q. Dawson? A. No, sir.

Q. Was it Odell? A. No, sir; I didn't see Odell that day at all.

Q. After you voted you stayed around the polls some time? A. No, sir; I had my work to do.

Q. What work? A. Out in the country where I was working.

Q. Did you go right back? A. I went back that afternoon.

Q. You saw Dawson the next day? A. Yes; I saw him on the street.

Q. What street? A. Water street.

Q. What time of day? A. I don't know exactly what time; I came down after a load of boxes, and I met him there.

Q. Talked to him? A. Yes.

Q. Say anything about how you voted? A. No; he did not.

Q. Did you? A. I did not.

Q. Haven't you told anybody that you got some of that donation? A. No, sir; I have not.

Q. Haven't said that to anybody? A. I did not.

By Senator ENDRES:

Q. Were you there at the last meeting? A. Yes.

Q. Was there a report of the treasurer made? A. No, sir.

Q. Were you there at any time when a report was made from the treasurer of the club? A. No.

Q. Do you know whether they have any money in the treasury? A. I don't know.

By Mr. DIMMICK:

Q. Was the last meeting just before or just after the charter election? A. After election we had our first meeting, this monthly meeting last month.

Q. The month of March? A. No.

Q. That was the first Monday in March? A. Yes.

Q. The Monday night before charter election? A. I guess it was.

By Mr. GARDNER:

Q. Did you believe that Matthews meant business when he told you about that sixty dollars? A. I believe he did; I don't doubt him at all.

Q. Did you ever come down to Gardner's office and see what there was about it? A. I did not.

Q. Why? A. Because I didn't feel disposed to go after it; I says, "Mathews, I don't want to burn my fingers and get in any trouble;" I never got in trouble in that town and I wasn't going to get in trouble.

By Mr. HIRSCHBERG:

Q. You knew you couldn't get in Gardner's office without getting in trouble? A. No; he says, "You go with me in Mr. Gardner's office, and you can get sixty dollars as quick as that;" I said to Billy Dawson afterwards, and Major, "What do you suppose Matthews said to me; if I should go down to Gardner's office I could get sixty dollars."

COLEMAN MAJOR, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. You live in the city of Newburgh? A. Two hundred and forty Washington street, city of Newburgh.

Q. Were you a member of the Sherman Club last fall? A. Yes; I have been a member ever since they started the club.

Q. Did you receive any part of this donation that has figured here so largely; \$600? A. I received some money, but not for election; this was donated to the club; I got a part of it; not for election; I got five dollars and forty cents, and I don't vote for money; I vote for principle; I am a Republican man right there.

Q. You know Matthews? A. Yes, sir.

Q. State what Matthews said to you about what he was making or expected to make in this matter, or to your wife in your presence? A. Matthews told my wife; asked where I was; she told him I was out somewhere.

By Chairman ROESCH:

Q. You weren't there when he said that? A. I am telling what she told me; my wife told me Matthews was here, and said if I would go down town and say three words I would get \$100; Matthews never said a word to me.

Q. You didn't see him afterwards? A. I never see him to change a word with him.

By Chairman ROESCH:

Q. You don't know what those three words were? A. No.

Q. What did you get that five dollars and forty cents for? A. It was donated to the club.

Q. Your share was five dollars and forty cents? A. We could have a party or any thing we wanted with that money in that room; do just as we were a mind to do with it.

Q. What did you get this five dollars and forty cents for? A. That was donated to the club, a present, not for election.

Q. That was your share of the \$600? A. I got five dollars and forty cents; all I got.

Q. Do you get five dollars and forty cents every election day? A. No, sir.

Q. That was the only day you got it? A. Yes, sir.

Q. Got it on election day? A. I got it the day after election, in the afternoon.

Q. Day after election? A. Day after election.

Q. After you had voted? A. Yes; and as I told the gentleman, I am a Republican man.

Q. Who gave you the five dollars and forty cents? A. Mr. Dawson.

Q. Who else did he give five dollars and forty cents to besides you? A. I don't know.

Q. Nobody tell you either? A. No, sir.

Q. Who was present when you got the five dollars and forty cents? A. There wasn't anybody present but Dawson; I came by his house and he handed this five dollars and forty cents to me.

Q. Did he say what it was for? A. Didn't tell me what it was, but I heard after election we got a donation and he handed me this five dollars and forty cents.

Q. What did you do election day? A. I went to the polls and voted, and then I went on to work.

Q. You worked at your usual occupation? A. Yes; I did.

Q. You voted? A. I voted.

Q. You worked election day before and after you voted? A. I went to the polls and voted, and then I went on to work election day; didn't hang around the polls at all.

Q. What did you work at? A. Martin; keep a wholesale store on Front street, and I was driving for him.

Q. What did you earn at that time a week? A. I was only making seven dollars a week.

Q. You had pretty steady work? A. Yes.

Q. A man m y? A. Yes, sir; I own a house of my own for thirty years.

Q. You took five dollars and forty cents for your share? A. Certainly; if you make me a present of five dollars I would receive it, or a hundred, and I would thank you for it; I never would ask where it came from.

MARTHA MAJOR, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. You live in the city of Newburgh? A. I do.

Q. You are the wife of Coleman Major, the last witness? A. I am.

Q. Do you know Henry Matthews? A. Well acquainted with him, sir.

Q. He had some conversation with you which you afterwards told to your husband? A. I did, sir.

Q. State to these gentlemen what that conversation was? A. I was there taking care of his wife.

Q. Matthews' wife? A. Matthews' wife; to come and say I could exact tell the day and date I can not; I can tell the day but to say the day of the month I couldn't say; he came in one day at noon and says, "Martha, where is Major?" I says, "he has just gone to take a basket of clothes home for me; what do you want with him?" He says, "I want to talk to you; I can't talk to Major." He says, "if Major will go down street with me and say three words, he can make a hundred dollars." I says, "Henry, I want you to stop right where you are, because you know very well no man can go down street, no where, and say three words and make a hundred dollars." I says, "there is nothing but you and the devil; you have got in some muss or another with your lies, and now you want somebody to help you out; and remember, if you get in a muss or any disgraceful muss, with any old man like him, it won't be well for you." I know perfectly well, gentlemen, what I am talking about; you needn't laugh; I have my good solid sense; I didn't come up here to lie or be made a fool of, and I expect to tell the truth if I am talking to gentlemen; I says to him when I went home at night, "Pa, what do you suppose Henry says?" He says, "I don't know." I says, "He came in all in a hurry and asked where you was; I said you had gone to take my clothes home."

Q. You told your husband what Henry had said? A. Yes.

Q. How long was that before he came up here to testify? A. O, I guess that must have been, well, about, oh, three or four weeks, as near as I can get at it.

Q. Did he say anything about this contest or about election? A. No; didn't say a word to me about it; never said how father was going to get out or anything about it; but I knew Henry was always in some mischief.

Q. Does Henry always tell the truth? A. I wouldn't take him on his oath, and I have been acquainted with him for some fifteen years, if not over.

By Chairman ROESCH:

Q. Ever have any trouble with him? A. Not personally, because I generally tell him just what I think of him, because I always know when he is getting up a lie, and I tell him right to his face.

Q. You thought he was getting up a lie at that time? A. Yes.

Q. You didn't believe he was telling the truth then? A. Certainly, I didn't, and I told him to his face he wasn't telling the truth, and I says to him, "Remember, my husband is an old man and never was in any lie and no muss, and if you ever get him in any muss it won't be well for you."

Cross-examination :

By Mr. GARDNER:

Q. You live on Washington street? A. I do.

Q. You know where Mr. Dawson's house is? A. I should think I would.

Q. Right opposite your house? A. No; it isn't.

Q. On the the other side of the street? A. On the same side we live on but a little below me.

Q. You have made an affidavit; you signed some paper? A. I did not, sir.

Q. Did you sign your name? A. Never touched a pen, sir; my name is there but I never touched the pen.

Q. How did your name get there? A. I had a little girl in her eleventh year, and he was in such a hurry to get my name the little girl jumped up and says "I can sign mamma's name," and he let her sign my name.

Q. On election day you stated in that paper that you saw a lot of colored men coming out of Dawson's house with some money in their hand? A. Never.

Q. Isn't it so? A. Never.

By Mr. HIRSCHBERG:

Q. Who tried to get you to sign a paper? A. The other gentleman there, I think they call him Graham.

Q. From Mr. Gardner's office? A. Yes; came and knocked to the door one day; I went to the door the same as any one else; he says "Is here where Henry Matthews lives?" I says "Yes;" he says "Is Mrs. Major here;" I says "Yes, sir, I am Mrs. Major;" I thought the gentleman wanted me for work; he says "I would like to speak to you;" I says "Take a chair;" I did not sign the paper.

Q. Did he make your daughter sign it? A. Before I could say a word I had went in the room to give his wife a drink of water and he hollered to me and asked me if I could write; my little girl got up and says, "I can write," and got up and signed my name.

By Chairman ROESCH:

Q. Do you know what was in that paper? A. Don't know what that man put in.

Q. Did you tell your little girl to sign your name? A. No; and I whipped her and I insulted him for daring her to do such a thing.

By Mr. GARDNER:

Q. Didn't you state to Mr. Graham, the man that was there that day, that you saw a great many colored men come out of Dawson's house with money in their hands and you would come here to Albany to swear to it? A. Never told him any such thing.

Mr. GARDNER.—We will offer the affidavit in rebuttal later on.

GEORGE DAWS, Jr., being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. Monroe.

Q. In the county of Orange? A. Yes, sir.

Q. Are you a voter in that town? A. Yes, sir.

Q. Last fall? A. Yes, sir.

Q. What district? A. First.

Q. The Monroe district? A. Yes, sir.

Q. Did you vote at the election last fall? A. Yes, sir.

Q. Did you receive any money that day? A. No, sir.

Q. Or prior to that day or after that day in reference to election?
A. No, sir.

Q. Do you remember being in a barber shop in Monroe shortly after election? A. Yes, sir.

Q. And making a statement about your vote? A. Yes, sir.

Q. Do you recollect what that statement was? A. Yes, sir.

Q. That you made publicly? A. Yes, sir.

Q. What was it?

Mr. GARDNER.—We object to that.

Mr. HIRSCHBERG.—I only want to show why I subpoenaed him.

Q. Did you make this statement, that Mr. Lamont was the only man that ever offered you money for your vote?

Mr. GARDNER.—We object to that unless they expect to prove the fact.

Mr. HIRSCHBERG.—I do expect to prove the fact. That is just what you have done with your witnesses.

Mr. GARDNER.—We offered no such evidence as that until we were taken by surprise.

Chairman ROESCH.—We will allow the question.

Q. Did you make that statement? A. Yes, sir.

Q. Did it refer to any offer of money by Mr. Lamont at any election?

A. Yes.

Q. It referred to another election than the one last fall? A. Yes, sir.

Q. It was a prior election? A. Yes, sir.

Q. Did he offer you money?

Mr. DIMMICK.—To that we object.

Q. Was the statement true? A. Yes, sir.

Q. You didn't say what election it referred to? A. No, sir; I did not.

By Chairman ROESCH:

Q. You say Lamont offered you money? A. Yes, sir.

Q. At what election? A. Four or five years ago.

Q. How much did he offer you? A. Didn't make no price.

Q. What did he say to you when he offered you money? A. I was a stranger there; it was about four or five years ago.

Q. He didn't offer you any specific sum? A. No, sir.

Q. He offered you no money at the last election? A. No, sir.

Q. Not since? A. No, sir.

Q. And he didn't know you at that time? A. No, sir.

Q. You were a perfect stranger? A. Yes, sir.

Q. Can you recall now the exact language in which you say he offered you money? A. Yes, sir.

Q. What was it? A. He came up to me and says, "There is a half day's work in it."

Q. Outside of that did he offer you any cash in any way? A. No, sir.

Q. Or any sum of money in any way? A. No, sir.

Q. He said to you there was a half day's work in it? A. Yes.

Q. If you would do what? A. He didn't say what.

Q. Did you what he wanted you to do? A. He offered me a ticket, I suppose that is what he wanted me to do.

Q. What tickets did he offer you? A. Democratic, I suppose.

Q. Where do you live now? A. Monroe.

Q. How long have you lived there? A. About six years.

Q. When were you subpoenaed to come here? A. This morning.

Q. Where were you when you were subpoenaed? A. At my breakfast table, home.

Q. How did you come to be subpoenaed? A. That I can't tell you.

Q. Who knew that Lamont offered you money four or five years ago? A. Just for the question spoke in the barber shop.

Q. When? A. A spell ago; since last fall election.

Q. Who was in the barber shop at the time? A. Several in there.

Q. How did you come to boast in the barber shop that Lamont had offered you money? A. They all got talking about it and asked me if I ever was bought.

Q. Did you want to brag how you were bought? A. No, sir.

Q. Who was in the barber shop at the time? A. Mr. Jackson and his son.

Q. Who subpoenaed you to come here; do you know the man? A. Arch. Jackson.

Q. Where does he live? A. Monroe.

Q. Was he in the barber shop? A. No, sir.

Q. How did he know of this? A. I don't know.

Q. What is his business? A. He is a driver for McKnight & Conklin.

Q. Did you ask him why you were subpoenaed to come up here? A. Yes.

Q. What did he say? A. He said he knew nothing about it.

Q. Did you tell counsel who has questioned you here to-night what you were going to swear to? A. No, sir.

Q. Or with Senator Richardson or any one else? A. No, sir.

Q. You have told no one as to what you were going to testify to here to-night? A. No, sir.

Chairman ROESCH.—The committee will rule to strike out the testimony of this witness.

By Mr. HIRSCHBERG:

Q. Did you mention the time when this was offered you, when you were talking in the barber shop? A. I don't think I did.

Mr. HIRSCHBERG.—I received a letter from a man in the town that this witness had said publicly that Mr. Lamont was the only man that had ever offered him any money, and on that statement he was subpoenaed.

By Mr. COUNTRYMAN:

Q. Did you take those tickets he offered you when he said there was half a day's work in it? I want to show, in justice to the witness, he was not bought.

Chairman ROESCH.—He says himself not.

JAMES H. SIMPSON, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. Turners.

Q. Is that in the first district of the town of Monroe? A. I couldn't tell you; in the Turners district.

Q. Were you there last fall? A. I was.

Q. Did you vote at the fall election? A. I did.

Q. Who were the workers at the polls? A. Tom Jones, for one.

Q. Which side was he working for? A. Mr. Lamont, I think.

Q. You know he was working for Lamont that day? A. Yes, sir.

Q. You understood he was at that polls in Mr. Lamont's interest and against Mr. Richardson? A. Yes, sir.

Q. Did he offer you any money to vote for Mr. Lamont? A. He did so.

Q. At the same time did he give you any ticket or paster? A. No; he didn't give me no paster or ticket.

Q. Did you agree to vote for Mr. Lamont? A. I did; I was a Democrat, anyway.

Q. How much did he agree to give you? A. He didn't say what he would give me, but he said he would give me some money.

Q. Did you ask him after you had voted for the money? A. No; I didn't ask him any; I didn't get none yet.

Q. He never has paid you? A. No, he never paid me.

Q. Where was he when he made this statement to you; how near the polls? A. That was way down by Turner's.

Q. It wasn't at the polls? A. No, sir.

Mr. GARDNER.—No questions.

JACOB L. REDNER, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. Turners.

Q. That is in the town of Monroe? A. Yes.

Q. Do you vote in the second district of that town? A. Yes, sir.

Q. Did you vote there last fall? A. I did.

Q. Have you been a voter in that district for some years? A. Always.

Q. Do you know Thomas Jones? A. Yes.

Q. Was he working there for Mr. Lamont that day? A. Yes, sir.

Q. Did he offer you any money to vote for Mr. Lamont? A. He did.

Q. How much? A. Five dollars.

Q. Did you vote for him? A. I did.

Q. Did he pay you the five dollars? A. He did.

Q. That day? A. That day; right away after he asked me what I would take to vote for Mr. Lamont; I said I would take five dollars; he says, "I will give it to you;" I was in need of money.

Q. Did he give you any paster or ticket? A. No, sir.

Q. Where was it he said this? A. Out on the stoop right by the polls.

Q. Within 150 feet? A. Yes, sir.

Q. Within fifty feet? A. Yes, sir.

Q. Just a few feet away? A. Just outside the door.

Cross-examination :

By Mr. GARDNER:

Q. Were you around the polls most of election day? A. No, sir, I was not; I was there about an hour; I was there until I voted.

Q. Who was working at the polls for the Republicans that day? A. I swan I couldn't tell you.

Q. Who was the one that was handling the money for the Republicans that day? A. I didn't see any money handled by a Republican that day.

Q. Were you offered any by a Republican? A. No, sir, not a thing.

Q. Is Jones the only one that offered you money? A. He is the only one.

Q. Who else offered you? A. Nobody; he was working for Mr. Lamont: he had quite a big roll of bills.

Q. Did you get that money? A. I did.

Q. Before or after you voted? A. After I voted; took me around the corner of the mill, no farther than across this room from the polls and gave me five dollars.

By Senator ENDRES:

Q. Are you accustomed to being paid for voting? A. No, sir.

Q. Is that the first time? A. No; Mr. Lamont paid me once before.

Q. When? A. For supervisor.

Q. When was that? A. Year ago this spring.

Q. Any other time you were paid for voting? A. I think not.

Q. What are your politics? A. I am a Republican, always was.

Q. And you sold yourself to Mr. Lamont on both occasions?
A. You are right I did.

Q. You sold your vote to Mr. Lamont on both occasions? A. Yes; he is a neighbor of mine.

Q. That induced you to take five dollars from him or from a friend of his to vote for him? A. Yes, sir.

By Mr. TAYLOR:

Q. Did Jones give you a paster or ticket that day? A. No; he didn't give me no ticket or no paster; I got the ticket where I went in to vote and had to do it up and doubled it up.

By Senator ENDRES:

Q. You can read? A. Yes.

Q. All he had was your word for it? A. Yes.

Q. How long have you known Jones? A. Ever since he was a baby; a great many years.

By Mr. DIMMICK:

Q. You and he are good friends? A. Good friends; always have been; yes, sir.

By Mr. TAYLOR:

Q. Did you use a pen when you went in the voting booth? A. No, sir.

Q. You took the ticket as the ballot clerk gave it to you? A. Yes.

Q. Folded it up and voted it? A. Yes, sir.

Q. You say you voted for Mr. Lamont, how do you harmonize the two statements? A. Mr. Lamont was on the ticket that I voted; his name was on it.

Q. You voted the whole straight Democratic ticket? A. I did.

By Senator ENDRES:

Q. But you are a Republican? A. Yes; I ain't the first Republican that ever voted a straight Democratic ticket.

By Mr. HIRSCHBERG:

Q. You voted for Mr. Taylor for Assembly? A. I did.

THOMAS JONES, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. Turners.

Q. In the second election district of the town of Monroe? A. Yes, sir.

Q. How long have you lived there? A. Ever since I was born; about forty-five years.

Q. Were you at the polls on election day last fall? A. Yes, sir.

Q. Were you there all day? A. I put in the day there.

Q. Are you willing to make a statement of the truth of the facts that occurred that day? A. What you ask me I will.

Q. Were you there working in anyone's interest that day? A. Yes, sir.

Q. In whose? A. Mr. Lamont's.

Q. State how you came to be there that day in his interest? A. I was employed, of course.

Q. By whom? A. Mr. Lamont.

Q. What were you employed by Mr. Lamont to do? A. Work for his interest, of course.

Q. Get him all the votes you could? A. Yes, sir.

Q. Did he furnish you with any money? A. I didn't spend the money; of course he did.

Q. Did you spend some considerable money that day? A. I spent some.

Q. Did you spend all he gave you or about all? A. As far as I know; yes.

Q. Did you get all the votes for him you could that day with the money? A. All I could; yes, sir.

Q. You have heard the testimony of the witness, James Simpson? A. Yes, sir.

Q. He states you told him you would give him some money if he voted for Lamont, did you? A. Yes.

Q. Why didn't you give it to him? A. He didn't tell me whether he voted for Lamont and didn't say anything about it.

Q. You were not satisfied? A. I wasn't satisfied; that is the reason I didn't pay him; then I know I paid them.

Q. That was the only reason? A. The only reason.

Q. You heard the testimony of Redner? A. Yes.

Q. Did you pay him the five dollars for voting for Mr. Lamont? A. Yes.

Q. Did you pay him with the money Mr. Lamont had given you? A. Yes, sir.

Q. You were satisfied he did vote for him as he said? A. I would take his word for it; you can't tell much about those caboozes now.

Q. You believed him? A. Yes, sir; or I wouldn't have paid him.

Q. Were there others that day that voted for Mr. Lamont at your request? A. Yes, sir.

Q. Were there many of them? A. A few of them.

Q. As many as twenty? A. I don't think there was fifteen.

Q. How many votes did you get for him that day that you paid for? A. Oh, I don't know; I suppose probably thirteen or so.

Q. At least thirteen; are you sure there were as many as thirteen? A. Yes, I know it.

Q. There may have been more? A. I didn't pay for the whole of them.

Q. How many did you pay for? A. As near as I can come to it, I think seven or eight; I didn't put it down.

Q. At least seven or eight? A. Yes.

Q. That you paid for out of Mr. Lamont's money? A. Yes.

Q. Did you have any money from any other source? A. No, sir.

Q. Did you have a large roll of bills, as Mr. Redner stated? A. I had money enough to carry the election there.

Q. You got a large majority for Mr. Lamont? A. Yes.

Q. There were only thirty-three votes against him? A. Something like that.

Q. Out of 115 or 116, that is about the vote of the district? A. I forget now.

Q. In that neighborhood? A. I suppose so.

Q. That is the normal vote? A. Yes, sir.

Q. It was more than the ordinary party majority? A. He got a good majority there.

Q. More than the regular majority? A. Yes, sir.

Q. Can you tell the committee about how much money he gave you? A. Yes; I can tell what he give me and what he owes me.

Q. How much did he give you? A. I received a letter with thirty-five dollars in it.

Q. How much more was he to give you? A. He was to give me twenty-five dollars.

Q. He has not done it? A. No, sir; he said he had bad luck and couldn't pay it.

Q. What was the price paid for votes there in his district? A. Different prices.

Q. Anything higher than five dollars? A. From three to five.

Q. According as you could get them? A. Yes; if I couldn't get them for three, give them five.

By Chairman ROESCH:

Q. You had some money of your own? A. I didn't say so.

Q. Had you? A. No, sir.

Q. All the money you got was what you got from Mr. Lamont? A. Yes.

Q. You say that you bought seven or eight out of Lamont's money; is that so? A. That is so.

Q. You got thirty-five dollars from Lamont? A. Yes.

Q. And the prices ranged from three to five dollars each? A. Yes.

Q. Was thirty-five dollars enough to buy those seven or eight with? A. Yes, sir.

Q. Have anything left? A. Not much to build on.

Q. You said a little while ago you got thirteen voters? A. Said I got thirteen votes; I didn't pay for the thirteen votes, but Mr. Lamont paid for them; I got them for him and he paid for them.

Q. How do you know he paid for them? A. At least he agreed to; the men were satisfied.

Q. Who did he agree with to pay for them? A. Several.

Q. How do you know? A. Because I heard the conversation.

Q. Did you take part in the conversation? A. I heard the conversation.

Q. Where? A. At Turner's.

Q. On election day? A. Yes, sir.

Q. At one time or every time that these men voted? A. You know how they vote; don't you generally?

Q. No; we don't know anything about your country ways. A. They don't all vote to once; they get them as they can, like everything else.

Q. With each one did you have a conversation as you got them? A. I did with what I handled.

Q. You handled about thirteen? A. I didn't say so.

Q. You said you got about thirteen? A. I said I paid about seven or eight, didn't I, and I said I got thirteen or fourteen votes he bought.

Q. Outside of the seven or eight that you say you bought yourself, your knowledge in regard to the others is based on what you say you overheard? A. I overheard it and I seen some of it; I heard the conversation and I seen the money when it was handled.

Q. When you went to buy one of those seven or eight voters did you take anybody with you, or did you have your transactions with these men alone that you bought? A. Yes, sir.

Q. You had it alone? A. I did.

Q. When Lamont had his transactions with the others beyond the seven or eight making up the thirteen, did he have you with him? A. I was working right in with him.

Q. And were with him? A. I heard the conversation.

Q. Did you take part in the conversation with the other voters? A. In what way.

Q. In reference to their votes or their price for their votes? A. I heard the conversation.

Q. Did you at any time take part yourself in any of the conversations? A. Yes; a good many.

Q. You brought him over a good many? A. Yes.

Q. When you say a good many do, you mean more than thirteen?
A. No.

Q. Thirteen is the highest that you got for Lamont? A. As near as I can tell, yes; I didn't get them for Lamont.

Q. Who did you get them for? A. I got them for Lamont; I told you what I paid.

Q. Tell us again? A. I told you what I paid; I told you I paid seven or eight, didn't I?

Q. Yes. A. And I told you as near as I can remember he got the rest of them by my representing him; I would bring them up there, and they would vote and he would give them the money.

Q. A moment ago you said you didn't get them for Lamont; what did you mean by that? A. Did I say I didn't get them for Lamont; I said I helped him all day.

Q. You said you didn't get them for Lamont, what did you mean by that? A. I didn't say that; you understand me right; I say seven or eight I bought myself; you understand that, and the rest I helped him get them; that is what I mean; take me as I mean.

Q. Take you as you mean not as you say? A. Take me as I say or any way you are a mind to.

Q. Do you want that answer to go down? A. No, sir.

Q. Take you any way you are a mind to; suppose we don't believe a word you say? A. It don't make any difference to me; what I come here for to tell the truth, and I am going to tell it.

Q. Where do you live? A. Turners.

Q. How long have you lived there? A. About forty-five years.

Q. How old are you? A. Forty-five.

Q. What is your business? A. I work around by the day; I worked for Mr. Lamont two years.

Q. What is your occupation; what do you do for a living? A. I peddled junk all winter for a living to Newburgh.

Q. What are your politics? A. What do mean by that?

Q. I think you had better answer the question; we are not here to be trifled with by you; we ask you what are your politics? A. What do I vote?

Q. It seems to me the question is plain; are you a Democrat or a Republican? A. I will tell you; every presidential election I am a Republican; I kind of split up a little; town meetings and like of that, all elections.

Q. You split up with the side that has the most money? A. Who? me, no, sir; I don't; I split up for the best man that I think is the best man; see?

Q. The man that has the most money? A. No.

Q. How is it that you come to split up with Lamont to get his thirty-five dollars and his twenty-five? A. He has always lived around there and I knew him a good while and I thought I would help the man.

Q. I thought you were a Republican? A. Yes; in presidential election.

Q. As a rule you vote the Republican ticket in local matters? A. I didn't say I did.

Q. Do you? A. Sometimes I split up as I told you; a man I like I help him a little.

Q. Quite exceptional for you to vote the Democratic ticket? A. No.

Q. Ever vote the Democratic ticket except when you voted for Lamont? A. Yes.

Q. When? A. I don't recollect just now.

Q. How many voters in the election district in which you worked A. I couldn't tell you.

Q. Have you lived in that district all these years, in that same district? A. Since the town has been divided I used to go down to the Highlands and vote; it has been changed.

Q. Can you name anyone of the seven or eight men that you bought? A. Yes, some of them.

Q. Name them? A. I don't know as I have a right to do that.

Q. We say you must name them? A. I say I won't name them.

Q. Very well then, we shan't believe a word you say. A. All right; I don't want you to believe them.

Q. Do you know of anybody that was bought of the thirteen beyond the eight that you say you bought? A. Yes, sir.

Q. Name them? A. I know some of them, of course.

Q. Name them? A. Jim Cook.

Q. Name another? A. Sherman Hall.

Q. Name another; what are their politics? A. Hall claims to be a Republican.

Q. You say you bought them for Lamont? A. I didn't say I bought them for Lamont; I say Lamont bought them.

Q. Did you buy any one for Lamont? A. Yes.

Q. Who? A. I told you who I bought.

Q. Who? A. They have been sworn here.

Q. Who? A. Jake Redner.

Q. Anyone else? A. No; not in this room.

Q. Is there anyone else you bought for Lamont? A. Yes.

Q. Name them? A. I don't know as I can name him now.

Q. Did you buy anybody for Lamont? A. Yes; I told you I did.

Q. Who did you speak to before you came here to testify to-night?

A. Nobody.

Q. Tell anybody you could give some testimony in this case?

A. No, sir.

Q. Who subpoenaed you? A. Sidney Smith.

Q. Who is he? A. One of the Republicans there to Turners.

Q. How long has he known you? A. Every since I was born, I suppose.

Q. Does Lamont live in the town? A. He stays there sometimes; he don't live there all the time; he has business around.

Q. Where does Lamont live? A. Lives in Turners, there to Head Pond.

Q. Is that the only time you had money on election day from Lamont? A. I don't suppose this is brought in any other time.

Q. Did you have money at any other time from Lamont? A. This hasn't anything to do with any other time; yes; I have had money.

Q. Outside of Redner can you name any other man that you have bought? A. I didn't say I bought Redner; oh; Jake Redner; I bought him; I thought you meant Myers.

Q. Anybody else you bought outside of Jake Redner that you can mention; do you know Mr. Gardner? A. No, sir.

Q. Do you know Mr. Taylor? I know one Taylor at Central Valley.

Q. Do you know Mr. Dimmick? A. No, sir.

Q. How long have you known Lamont? A. I have always known him; I suppose I have known him twenty or twenty-five years.

Q. Ever have any business dealings with him of any kind outside of last election? A. I worked for him two years.

Q. Are you a man of family? A. Yes, sir.

Q. Live and pay rent? Yes; lived in one house five years; I wouldn't live there if I didn't pay rent; I worked for Mr. Lamont two years, and I have always —

By Mr. DIMMICK:

Q. Did you buy these men in the morning or in the afternoon of election day? A. Some bought in the afternoon and some in the morning.

Q. Which did you buy the most? A. I think I had a better run in the afternoon.

Q. Which did Lamont have the better run of; those that he purchased? A. I think in the afternoon; I don't think he got there until after dinner; I didn't see him.

Q. Did you see him buy in the morning? A. No, sir.

Q. You say you have lived in the town of Monroe forty-five years; did you live in Newburgh a portion of that time? A. I lived here two months; that is all.

Q. How long ago was that you lived two months in Newburgh? A. I think it is thirteen or fourteen years ago.

Q. What was your business there? A. I wasn't doing nothing.

Q. Wasn't bartending? A. No.

Q. Where did you live? A. I lived over Belknap & McCann's soap factory on Front street.

Q. No. 6 or 8? A. I forget.

Q. Your family living there with you? A. No, sir.

Q. Were you living with anyone else? A. I had no family at that time.

Q. Were you living with anyone else? A. Yes, sir.

Q. Who? A. Living with my sister.

Q. Was she keeping house? A. She was.

Q. What was your sister's first name? A. Cynthia.

Q. Was she the proprietor of the house? A. She lived there.

Q. Who was the proprietor of the house? A. She was.

Q. Was it a house that Mrs. Van Tuyl formerly kept? A. No, sir, I know where she used to keep; she used to keep on Front street.

Q. Did you ever live with Mrs. Van Tuyl or at her house? A. No, sir.

Q. Did you ever tend bar for her? A. No, sir.

Q. Did you ever live at 152 Smith street? A. Yes, before I moved down to Belknap & McCann's.

Q. Did you ever live at 152 Smith when Mrs. Van Tuyl kept that house? A. No, sir.

Q. Did you ever live at 8 South Water street? A. No, sir.

Q. You swear positively you never lived with Mrs. Van Tuyl or done any business for her? A. Yes.

Q. You are acquainted with Daniel Maloney? A. Yes, sir.

Q. You rode up from Newburgh in the same seat with him? A. Yes.

Q. Didn't you tell him you tended bar for Mrs. Van Tuyl when she kept a house on Front street, and Smith street and South Water street? A. I don't recollect it.

Q. Didn't you tell him you were in Newburgh off and on for four years, working for Mrs. Van Tuyl? A. No, sir.

Q. Tending bar for Mrs. Van Tuyl? A. Don't recollect telling him that.

Q. Didn't you tell him you tended bar for Mrs. Van Tuyl when a man named Joe Kennedy lived with her? A. I said Joe Kennedy lived with her, and you heard it; you sat in the seat.

Q. Didn't you tell him you tended bar for her? A. I might have been there once or twice a day and tended for her, I don't know but I did tend bar for her a day or two at a time.

Q. Every week or so? A. I didn't say every week or so.

Q. Nearly every week or so? A. No, sir; I didn't.

Q. You knew the character of the place, knew what kind of house she kept? A. Never asked her business.

Q. You knew it was a house of ill-fame? A. I didn't know nothing about her business.

Q. Didn't you know it was a house of ill-fame? A. What is that?

Q. Did you know it was a disreputable house, a house of prostitution? A. Yes; I knew it was, that is, I heard them say.

Q. At the time you were tending bar for Mrs. Van Tuyl, was your sister Cynthia an inmate of that house? A. No, sir; that ain't got nothing to do with that if it is.

Mr. HIRSCHBERG.—If Mr. Lamont sees fit to use an instrument of this kind he must take the consequences.

By Chairman ROESCH:

Q. Have you ever been in trouble? A. No, sir.

Q. Trouble with the police? A. No, sir; never got locked-up in my life.

By Mr. HIRSCHBERG:

Q. Mr. Lamont has used you at elections before? A. Yes, sir.

Q. A number of times? A. Yes, sir; 1892, 1889 and 1890, I worked there.

Q. Mr. Lamont worked himself in this district in the afternoon? A. Yes, sir.

Q. Is it a fact that whatever floating vote that was purchasable you tried to get for him? A. Yes; I worked for him and done all I could for him.

Q. You don't want to tell the names of all the persons that voted there that you paid money to? A. No, sir.

By Chairman ROESCH:

Q. How long was Lamont around that poll on election day? A. I couldn't tell you how long.

Q. Was he there in the morning? A. I didn't see him in the morning.

Q. Was he there before 2 o'clock in the afternoon? A. I couldn't tell you what time it was.

Q. Was he there before 3 o'clock in the afternoon? A. I don't think I seen Mr. Lamont that day until about between 2 and 3 o'clock.

Q. You didn't see him after 3 o'clock? A. Yes; I did.

Q. Until when? A. Until when the polls closed.

Q. When did the polls close? A. I went up and got a wagon for him to go and get two or three men; I couldn't tell what time it closed.

Q. You didn't see him until after 2 o'clock? A. I don't think I did that day.

Q. Between 2 o'clock and the close of the polls, I understand you said you kept rushing men up to him? A. I got him all I could.

Q. Between 2 and 4 o'clock you got him about thirteen men; is that so? A. I didn't say I got him thirteen men; I said me and him, together, was about thirteen; what I could help him in the afternoon; I suppose he got four or five.

Q. How many do you suppose you got? A. I got about the amount I got.

Q. How many? A. I told you eight or nine, seven or eight; as near as I could tell.

Q. Was it six? A. More than six.

Q. Do you think you got eight? A. I think I did.

Q. Do you think you got nine? A. Between seven and eight, as near as I can tell you.

Q. You must have been pretty lively in the afternoon rushing voters up to Lamont? A. As they came in quite a ways, and they hadn't come in as they do in the city; they came kind of slow.

Q. Lamont was around with you all the time? A. I didn't follow him up all the time; but I got what I could.

Q. Where did you go to get the voters? A. As they would come in.

Q. How far away from the polling place would you meet them? A. Meet them anywheres under the shed.

Q. What was the nearest to the polling place you met them? A. Sometimes right on the stoop as they were going in; kind of catch them and pull them back.

Q. In all that time you and Lamont together got thirteen? A. Yes, with what I got in the forenoon.

Q. How many did you get in the forenoon? A. All day I think I got seven or eight.

Q. That is all you got all day? A. What I got; I helped Mr. Lamont get what I could.

Q. When did you see Mr. Lamont last? A. I haven't seen Lamont since he run this spring; since he got beat there.

Q. Haven't seen him since the spring election? A. No.

Q. Did you see him at the spring election? A. Not this spring.

Q. You didn't have any of his money at the spring election? A. No, sir.

Q. Did you have any trouble with Lamont? A. No, sir.

Q. Came here of your own free will? A. Own free will; no man said a word to me until I came here.

Q. How do you know they could give this testimony; how did they come to serve you with a subpoena? A. I don't know; I know how one part came.

Q. How? A. Because I got his vote and give him five dollars, and Mr. Simpson swears that I agreed to give him so much, and didn't do it for the simple reason I didn't think he voted for him.

By Mr. GARDNER:

Q. When did you leave Mr. Lamont's employ, two or three weeks ago? A. No, sir; two years ago.

Q. Have you worked for him within the last three months? A. No, sir; nor the last six; I haven't worked for Mr. Lamont only seven or eight days since 1890.

Q. You and Mr. Lamont have had no words? A. No, sir.

Q. This thirty-five dollars you got was in a letter? A. Yes, sir.

Q. Where did you get the letter? A. I got it out of the office.

Q. When? A. Just before election.

Q. How long before election? A. Two or three days, I suppose.

Q. Was there any paper in the envelope with the money? A. Yes, sir.

Q. What did that paper state, if anything? A. "Use this to your best judgment," or something like that; I guess I have got it home; I can show it.

Q. Was it signed or not signed? A. Mr. Lamont's name to it, to the bottom.

Q. Was it printed or written? A. Written.

Q. Are you acquainted with Mr. Lamont's handwriting so you would be able to state it if it was presented to you? A. I can't read at all.

Q. How do you know that was signed by Mr. Lamont? A. I didn't say it was signed by Mr. Lamont at all; I said it had his address on.

Q. You did state positively Mr. Lamont's name was signed to that letter? A. I say so yet.

Q. How are you able to state Mr. Lamont's name is there if you can't read? A. I have got a daughter that can read going on fourteen years old; she reads my letters.

Q. Did you show that letter to your daughter? A. Yes, sir.

Q. When? A. Just before election.

Q. All you know about Mr. Lamont's name being there is what your daughter told you? A. She always reads my letters and if I write any she does my writing for me.

Q. You will not put yourself on record as a fact that that letter was signed by Mr. Lamont, will you? A. No, sir; I will not; I can't say it was; I say it had his address on.

By Mr. HIRSCHBERG:

Q. Before you got that had Mr. Lamont agreed to send you the money? A. He spoke to me in regard to election.

Q. That he would send you money? A. Yes; he wanted me to go on and do what I could for him; he said he would fix the thing.

By Chairman ROESCH:

Q. Did he say anything to you about the money? A. He said he would fix the thing so there would be an understanding.

Q. Counsel said to you a moment ago, did he tell you he would send you the money and you said yes? A. He asked me whether he made any arrangements; he said he would fix the thing up for me and him.

Q. He said nothing about money to you? A. Of course, I looked for it.

Q. Did he say he would send you money? A. He said he would fix the thing up and let me know before election; see to it.

Q. You said you kept running out with voters and you bought about seven or eight, and you were busy bringing in voters, and that you overheard — A. I didn't say I was busy bringing in voters; I said wherever I could get a vote for him I got it.

Q. Still you had some time to overhear some conversations between Lamont and other voters? A. Yes; they don't rush in so as they do in the cities; they come one by one, or may be two at a time; there was time to attend to all of them.

Q. Do you ever attend to voters for the Republican party? A. Never handled no money.

Q. They didn't trust you with the money? A. I don't know about that; I never asked them to trust me.

Q. You got the thirty-five dollars a day or two before election? A. Yes, sir.

Q. You had this thirty-five dollars on election day? A. I kept it for that purpose.

Q. When did you pay the seven or eight men off? A. I never run no bill; I pay as I go along.

Q. You paid each one off as he voted? A. As he voted; what I tell a man I will do, I do.

Q. How much did you have left after you paid them off? A. That ain't got nothing to do.

Q. You have sworn you got thirty-five dollars from him; you got seven or eight voters at three to five dollars apiece; how much did you have left? A. I can't tell you.

Q. You got the thirty-five dollars two or three days before election? A. That's what I said.

By Mr. Taylor:

Q. Did you have pasters or paster ballots on the day of election? A. Didn't handle no pasters.

Q. You had paster ballots? A. I handled a straight ticket.

By Chairman ROESCH:

Q. Explain how they voted the straight ticket; did they; did they get the straight ticket from you on the outside? A. What I made a bargain with, I gave them that ticket; I didn't give them no ticket; they said they would vote; I didn't handle no pasters.

Q. You said you handled straight tickets? A. If I did I made a mistake.

Q. Did you handle any tickets at all? A. Didn't handle no ticket.

Q. Then you didn't give the voter any ballot? A. I took the man's word for it.

Q. What did you say to him; suppose Smith or Jones would come along, apparently a voter, to vote, what would you say to them; give us a sample of your conversation with a voter? A. I would buy him for as little as I could.

Q. You had no ticket to give to him, had you? A. Didn't handle the tickets that way.

Q. You had no ballot to give to him? A. Just took their word for it.

Q. You had no paster to give to them? A. No paster.

Q. You simply walked up to a voter and asked him how much he wanted for his vote? A. I would take his word for it.

Q. Would you ask him to vote for Lamont? A. Yes.

Q. Ask him to vote for anybody else? A. I would not.

Q. Would you ask him to vote the Democratic straight ticket? A. told him to vote for Lamont; that was all I was working for.

Q. These people you bought in that way and you asked them to vote for Lamont, could they all read every one of them? A. I don't know.

Q. Isn't it a fact quite a number couldn't read at all? A. I don't know whether they could or not.

Q. Did you know each one you bought in this way personally, or were there some you didn't know at all? A. No stragglers came there at all; I know all around there; the town is divided.

Q. Mr. Lamont's name was on the regular Democratic ticket? A. I know what I voted.

Q. All you would do you would ask them to vote for Lamont and ask them their price? A. I didn't say I asked them their price.

Q. Would you ask them how much they wanted for their vote; what ticket did you vote? A. I voted for Lamont.

Q. How do you know; you said you can't read? A. I can read enough to know that.

Q. You couldn't read enough to read the letter? A. No; I can't read a letter.

Q. Can you read print? A. You put Lamont's name there. (Question repeated.) A. Not to amount to anything; I can read a little.

Q. Read this; this is good big print? A. I can make out one word or so.

Q. Read a single word? A. This is "first," ain't it?

Q. Read up there? A. I can't read it.

Q. How do you know you voted for Lamont? A. Can't I tell his name when it is on paper; I could always tell his name.

Q. How far down was his name on the paper? A. I didn't bother about that; I forget that; that is so long ago I can tell nothing about it.

By Mr. HIRSCHBERG:

Q. His name wasn't very far down that day at all; he carried the district? A. Yes, sir.

Q. About this twenty-five dollars; when did he promise to pay you that? A. After election.

Q. Before election to give it to you after election? A. Yes; after election he said he had bad luck and got beat.

By Chairman ROESCH:

Q. When was it he told you he had bad luck? A. That was after election, of course.

Q. After which election? A. Last fall election.

Q. Did he say anything in the letter in which he sent you the thirty-five dollars about the other twenty-five, and did he say anything in any letter about giving you twenty-five dollars? A. I didn't say he did.

Q. After you got the envelope with the thirty-five dollars in it, did you see Lamont except on election day? A. Oh, yes.

Q. Did you ask him for the twenty-five dollars? A. Yes; I did.

Q. How much were you to get in all from Lamont? A. Twenty-five dollars is what I calculated to get.

Q. How much were you to get in all? A. I told you what I got first and I told you what I calculated to get.

Q. How much does that make? A. Sixty dollars.

By Mr. DIMMICK:

Q. Your mind has been a little affected, has it not, prior to this? A. Affected how?

Q. Weren't you insane? A. Election?

Q. Prior to election? A. Yes; I had a big abscess on my neck and I was in the house three months last winter and I got a little out of my mind.

Q. How long is it since you recovered your mind? A. It didn't last only three or four days with me.

Q. You were there three months? A. I was in the house three months with an abscess; I was out of my mind three or four days and talked a little flighty so they told me.

Q. When you went out in the street didn't you have to have a companion with you for some months? A. That hasn't anything to do with this; I worked all last summer.

GEORGE MADISON GREEN, being duly sworn, and testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you reside? A. Turners.

Q. Town of Monroe? A. Yes, sir.

Q. Were you home all day election day? A. Yes, sir.

Q. Do you know who had charge of Mr. Lamont's interest at the polls that day? A. Yes, sir; two men, Mr. Beattie and Mr. Jones, the last witness.

Q. Ed. Beattie? A. Yes, sir.

Q. Did they work for him all day? A. I suppose they did, as far as I could see; I was a watcher inside.

Q. Do you know this man Jones was there? A. Yes.

Q. Do you know whether or not he occasionally brought voters there? A. He didn't bring them in the polls.

Q. Was Mr. Lamont at all there during the day? A. He was there in the afternoon about 3 or 4 o'clock.

Q. You don't know what hour he came here? A. No; it was quite late in the afternoon.

Q. You didn't see him until he came inside? A. No, sir.

Q. Lamont votes in that town? A. Yes, sir.

Q. In that district? A. Yes, sir.

Q. Do you know Jones has worked for Lamont before? A. I have seen him working in Lamont's interest.

Q. Were you registered in that district? A. Yes, sir.

Q. State whether there was any irregularity in the registry? A. The first day of the registry I came up in the afternoon on what they call the mountain express, that gets there about 4.55, and the registry was closed; I went down to register and it was closed; I went there three times from that time until 9 and it wasn't open again that day, and they told me there it wasn't open from 2 o'clock in the afternoon.

Q. When did you register? A. I registered the next time we had a registry.

Cross-examination :

By Mr. DIMMICK:

Q. All the voters in that district were registered? A. I believe they were.

Q. What is your business? A. Blacksmith.

Q. Are you engaged in that yet? A. No; I am working in New York, 402 Washington street.

Q. At what? A. What they call the United States public service, appraisers' department.

Q. You brought Jones and these other two men up? A. No, sir.

Q. Did they tell you what they had testified to? A. I didn't know I was going to be subpoenaed until I stepped off the train.

Q. Did Jones tell you what he was going to testify to? A. I heard them speaking about it coming up.

(Question repeated.) A. He said he had offered Mr. Redner five dollars, or given Mr. Redner five dollars, for voting; something like that.

ABRAM V. CRUVER, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. City of Newburgh.

Q. Were you in one of the election districts on last election day last fall? A. Yes, sir.

Q. Which one? A. Fifth district of the first ward.

Q. Was there any electioneering within 150 feet of the polls? A. There was not to the best of my knowledge.

Mr. GARDNER.—No questions.

MICHAEL LANDY, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you reside? A. Goshen.

Q. In the village? A. Yes, sir.

Q. How many districts are there? A. Five.

Q. Is there a town separate from the village? A. Yes.

Q. How many districts in the town? A. One, I think.

Q. Where were you on the last election day? A. I was out in the fifth district.

Q. Where was that? A. Out about four miles from Goshen village.

Q. What is the name of the place? A. Mapes Corners.

Q. Who was working there in the interest of the Democratic party? A. Thomas Finan, Michael Nally, Michael Casey.

Q. Those were the three workers? A. I believe so.

Q. What did you see them do? A. I saw them working for the ticket.

Q. How? A. I saw one man there, John P. Morrell, tell a man to take that paster and put it on the tickets right outside of the rail.

Q. And in the building? A. In the building.

Q. In the room where the vote was being polled? A. Yes.

Q. Do you remember the voter? A. I don't remember now.

Q. Did the voter go in? A. Took the paster and went in the booth, and came out and voted.

Q. He took this paster that Mr. Morell gave him in the booth with with him? A. Yes, sir.

Q. Who was Mr. Morell? A. Superintendent of the poor of Orange county.

Q. Democrat? A. Yes, sir.

Q. Was he electioneering there? A. He was.

Q. Were there others electioneering within 150 feet of the polls? A. I didn't hear them; I could see them talking.

Q. You saw them talking with voters? A. Yes, sir.

Q. Right in the room? A. Just outside.

Q. Within the 150 feet limit? A. Yes, sir.

By Mr. DIMMICK:

Q. Was there any limit marked? A. No, sir; I called the attention of the inspectors to that.

GEORGE CUMMINGS, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. I lived last fall at James Howe's creamery in the town of Goshen.

Q. Where did you vote? A. Mapes Corners, fifth district.

Q. Did you walk to the polls? A. No, sir.

Q. Who went with you? A. I couldn't tell you.

Q. Was it Mr. Nally? A. No, sir.

Q. Or Finan? A. No, sir.

Q. Somebody that had a carriage? A. Yes, sir.

Q. Come with you? A. No, sir.

Q. Mr. Hinchman? A. It might have been.

Q. It was someone that came there? A. Someone that came to the creamery with a carriage.

Q. Was it the Democratic carriage? A. That part I don't know anything about; it might have been for all I know.

Q. You don't know anything to the contrary? A. No; I don't.

Q. Did you vote at the election? A. I did.

Q. Did you vote for Mr. Lamont? A. I did.

Q. Did you vote the Democratic ticket? A. I did.

Q. Were you paid anything? A. I don't know whether I was or not.

Q. Yes; you do? A. I couldn't swear to that.

Q. Did he give you any money? A. Mr. Lamont?

Q. The person that took you there? A. No, sir.

Q. Who did? A. I couldn't swear whether it was given to me for election or not.

Q. It was given to you after you voted? A. It was.

Q. How long after you voted? A. Probably ten or fifteen minutes.

Q. How much? A. Oh, I got a couple.

Cross-examination:

By Mr. GARDNER:

Q. You can't tell who it gave it to you; you don't know who it was gave it to you? A. Oh, well; I suppose I could tell.

Q. We would like to hear.

Senator ENDRES.—Any of the Democratic workers?

The WITNESS.—I couldn't tell you; Mr. Nally gave it to me.

By Mr. HIRSCHBERG:

Q. He was named here as one of the workers, that is the Mr. Nally?

A. I suppose he gave it to me for my day.

Q. Mr. Richardson didn't give it to you? A. No, sir.

By Mr. GARDNER:

Q. What do you mean by the "day?" A. For the payment of my day's work.

Q. How far did you have to go? A. About a mile.

Q. Did he say anything to you before you voted, the man that gave you the money? A. No, sir.

Q. What did he say when he gave you the money? A. Didn't say anything.

Q. Did he say anything about your day's work? A. No; I supposed that is what it was for.

Q. Did you know any Republicans that got any money there that day? A. I can't say that I do.

Q. Do you think so?

Mr. HIRSCHBERG.—We have no doubt there were for voting for Lamont.

The WITNESS.—There might have been.

By Mr. HIRSCHBERG:

Q. Didn't the man, whoever it was that came there with the carriage, tell you if you would go to the polls and vote the Democratic ticket you would be paid two dollars for your day's work? A. No, sir.

Q. What did he tell you you would get? A. I can't say that he said anything about it.

Q. Why can't you say; did Fred Ellis tell you that? A. No, sir.

Q. That you would get two dollars? A. I think there was, come to think about it.

Q. When you voted, this man that took you there took you over to Nally and he gave you the two dollars? A. I got the two dollars, I don't know the man that took me over, to save my neck.

Q. You got the two dollars? A. I got the two dollars.

By Mr. GARDNER:

Q. Was that said to you before or after you voted, that you would get the two dollars? A. It is so long ago I don't believe I could tell anything about it.

Q. Who handed you the ballots that you voted? A. One of the men at the polls.

Q. Is it a fact that you spoke to no man about your day's work or money until after you voted? A. I didn't speak to anybody at all.

Q. And nobody paid you until after you voted; is not that so? A. No; I don't think there did.

Q. Aren't you sure there didn't; did you lose a day's wages? A. No, sir; I worked until noon.

By Mr. HIRSCHBERG:

Q. Didn't Fred Ehlers go with you in the carriage? A. Yes.

Q. Did he also vote? A. Yes.

Q. Did he also get the two dollars? A. I can't swear to that.

Q. You were with him? A. I was with him.

Q. Didn't he go to Nally at the same time? A. He went over to Nally.

Q. Did he go there for that purpose? A. I suppose he did.

Q. Didn't you see him in conversation with Nally? A. I did.

Q. Did he appear to be asking him for the money? A. No; he didn't.

Q. Did he tell you he got it; didn't he say he knew he was going to get it; didn't he tell you he got two dollars? A. I don't know as he did.

Q. Will you swear he didn't? A. No; I wouldn't swear to that fact.

Q. He is here? A. Not that I know of.

Q. He has been here? A. I did hear he was up here to-day noon; but I haven't seen him yet and I don't believe he is here.

Q. Wasn't it understood before you left the creamery you were to get two dollars if you voted the Democratic ticket? A. No; I don't think it was.

Q. When was the understanding made; somewheres on the way? A. Somewheres on the way, I think.

Q. Fred Ehlers was in the carriage? A. Yes.

Q. Wasn't the arrangement made for him as well as you? A. I suppose it was both together; I couldn't hear the conversation unless he heard it too.

Q. It was for both of you? A. It was in the presence of both; I supposed it was meant for both.

Q. Wasn't that the purport of it; he was working in the creamery, too? A. He was.

By Senator ENDRES:

Q. Who did you talk to about getting money? A. I am unable to say.

Q. Do you refuse to give his name? A. I really don't know.

Q. Tell us what he did say? A. I couldn't do it; it is so long ago.

Q. You certainly must recollect what he did say in the carriage?
A. That slipped my memory.

Q. Did you ever get two dollars for voting before, or any other amount? A. Well; I am on this business.

Q. That doesn't make any difference; we insist on an answer; if you don't I shall report it to the committee and have it reported to the senate; then you will go to jail. A. Then jail it is.

Q. Have you been practicing this right along? A. No, sir.

Q. You never got any other money at any other time only last fall for your vote? A. I can't say I ever did.

Q. The first time you ever got any money was when you got two dollars from this man? A. Got two dollars.

Q. Did he tell you it was for voting this ticket? A. I have always voted the Democratic ticket; I didn't know what it was, whether it was for a present for me.

Q. How did he come to give you this money? A. I don't know.

Q. We want to know what you know? A. I don't know much about it.

Q. What you have sworn to don't amount to much? A. Only what I have told this gentleman.

Q. You went in and voted? A. I did.

Q. When was this, in the forenoon or afternoon? A. Afternoon.

Q. You came out? A. I did.

Q. You say you can read? A. I can.

Q. You voted the Democratic ticket? A. I did.

Q. You came out and went to him and told him you wanted some money? A. No, sir; I did not; I don't know who went to him.

Q. How did it happen you got the two dollars? A. They must have got some communication somewhere.

Q. Did he come up to you, Nally, and give you two dollars? A. He was doing the business, I suppose.

Q. Did he come to you and give you two dollars? A. He gave me two dollars.

Q. Who? A. Mr. Nally.

Q. Did he come to you and give you this money? A. He didn't come to me.

Q. Who came to you to give it to you? A. I sent in to him.

Q. And said you wanted some money for your vote? A. No.

Q. What did you sent in to him for? A. This Ehlers said there was two dollars.

Q. Is he the only man that said so in the carriage that went down?
A. As far as I know.

Q. It wasn't the other man that said anything about money at all?
A. I suppose-he did.

Q. Did you hear him? A. No; before I came out of the creamery I suppose this man must have told.

Q. Isn't it a fact you and Ehlers talked it up between you and said, "here, we will go and vote, and then we will strike these fellows for two dollars apiece? A. No, sir.

Q. Nothing was said in the carriage about this money? A. Only what Mr. Ehlers said.

Q. Nothing was said by this man that came for you about paying any money for voting? A. Only what he told Mr. Ehlers, I suppose.

Q. What you heard him tell? A. He told Mr. Ehlers and he told me.

Q. Did you hear him tell Mr. Ehlers? A. No.

Q. Then you don't know anything about what he did tell him? A. No.

Q. You voted; what did you do after you voted; did you stand around the polls any length of time? A. No; I had to go back to work.

Q. Then you sent in word to this Mr. Nally? A. We went in the saloon and there we met Mr. Nally.

Q. Then you didn't send for him? A. No.

Q. You talked to Mr. Nally about this money? A. No; I didn't.

Q. Who did? A. We didn't talk to Mr. Nally at all; I suppose he knowed what was wanted.

Q. He give you two dollars? A. That is what I received.

Q. From Nally? A. Yes.

Q. Did he say anything to you when he give it to you? A. I don't think he did.

Q. Pulled it out of his pocket and give you two dollars? A. Yes, sir.

Q. Was Mr. Ehlers with you at that time? A. Ehlers was close by.

Q. Did he give him two dollars? A. As far as I know I suppose he did, but that I am not sure of.

Q. Did you see him give this man Ehlers any money? A. I couldn't tell anything about that; he may have done it.

Q. You swear positively he give you two dollars? A. Yes.

Q. And said nothing about what it was for? A. No, he did not.

Q. Did you leave as soon as you got the money? A. Went right out to work.

Q. Did you buy any drinks out of that money? A. Not a cent.

Q. Did you hang on to the mighty dollar? A. I did; like I do on every dollar I get hold of.

Q. Did you go home with Ehlers? A. Yes.

Q. Did you say anything to him about receiving any money? A. No.

Q. Did he say anything to you? A. No.

Q. You kept the thing very quiet? A. Oh, mighty, quiet.

By Mr. HIRSCHBERG:

Q. As I understand it, Ehlers was in the carriage with this man before you got it? A. Yes, sir.

Q. When you got in the carriage Ehlers told you in the presence of this man the man said he was going to give you two dollars. A. Yes, sir.

Q. You both went down and voted? A. We did.

Q. After you voted you were told to go in the saloon and see Nally? A. Yes.

Q. You went in the saloon and saw Nally, and you got your two dollars, and you suppose Ehlers got his? A. Yes.

By Mr. GARDNER:

Q. How did you come to come up here; who did you first tell you got two dollars? A. Didn't tell anybody that I know of.

Q. Who served you with a subpoena? A. Mr. Shodd.

Q. Do you know Mr. Richardson? A. Yes, sir.

Q. Have you talked with him to-day? A. No, sir.

Q. Talked with anybody else from the town of Goshen about what you were going to swear to? A. Not a word.

Q. Who came up with you? A. Mr. Landy.

Q. The witness that has been sworn here? A. Before me.

Q. Didn't he drive out that day and ask to see you? A. Didn't see nobody until this morning.

Q. When did you see this gentleman last, before to-night? A. I don't know as I have seen the man since election day, last fall; if I have seen him, I have had no talk with him.

Q. Do you wish to be understood as saying that you have stated to nobody what you were going to swear to here to-night? A. I say I have stated to nobody what I was going to swear here to-night, or what I intended to swear to.

Q. Has anybody asked you what you knew about it? A. No, sir; not a word; I didn't know anything about it until this morning, and I am sorry I knew anything about it then.

By Mr. HIRSCHBERG:

Q. Sorry you took the two dollars, now? A. I might just as well let it alone.

By Senator ENDRES:

Q. Since election day up to this morning you haven't told a living soul a word about getting two dollars from Mr. Nally? A. Not a one that I know of.

Mr. HIRSCHBERG.—They have been subpoenaed on suspicion; they were watched.

Mr. Hirschberg called Fred Ehlers and stated he had been subpoenaed, but he did not answer.

JOSEPH MANN, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. My home is Goshen; I work at Howe's creamery.

Q. Did you go down to the Mapes Corners district and vote election day? A. Yes, sir.

Q. Fifth district, Goshen? A. I suppose it is.

Q. Mapes Corners? A. Yes, sir.

Q. What time of day did you go there? A. About 8 o'clock or half-past in the morning.

Q. Did you go alone? A. Yes, sir.

Q. Did you vote there? A. I did.

Q. Who did you see there and talk to? A. I went and voted my ticket.

Q. Were you promised anything? A. No, sir; I voted my ticket and came out and saw Mike Nally; he made a motion to me and I went over to him and he says, "I have \$300 to distribute out here to-day; do you want to make a couple?" I says, "what for?" He says, "Vote this ticket;" I says, "what ticket?" He says, "Lamont, a Democrat;" I says, "I have voted;" I put my gun on my shoulder and went home.

Q. He didn't know you had voted? A. No.

Q. He showed you the ticket? A. Pulled a paper out of his pocket.

Q. Told you it was a Lamont ticket? A. Yes.

Q. And if you voted you could have two dollars? A. Yes.

Q. You know Mr. Nally very well? A. Yes.

Q. You had voted? A. Yes, sir.

Q. And so told him? A. Yes, sir.

Cross-examination:

By Mr. GARDNER:

Q. What are your politics? A. Republican.

Mr. GARDNER.—We were going to move to strike out that evidence, but I guess we will not make the motion.

By Chairman ENDRES:

Q. You didn't get any two dollars? A. No, sir.

HENRY T. VAN DEUSEN, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you live? A. Town of Goshen.

Q. Do you know the fifth election district there? A. I do.

Q. Were you there in any official capacity on the election last fall?
A. I was there as ballot clerk.

Q. Who was there in the interest of the Democratic party? A.
Electioneering?

Q. Yes? A. I rather think Thomas Finan was there.

Q. Who else? A. Nobody that I knew of in particular.

Q. Where did Thomas Finan do his electioneering? A. I couldn't
tell you.

Q. Did he do any in the room? A. Not that I knew of.

Q. Was he in there? A. Yes.

Q. A good deal of the time? A. A good deal of the time I think.

Q. What part of the room? A. He was around inside the railing
and sometimes outside; I couldn't tell you because I did not see him.

Q. Both inside and outside the railing? A. I think he was.

Q. Did he bring voters in there? A. No.

Q. Was he in there with voters? A. That I don't know.

Q. Was he conversing with voters in there? A. Might have been,
but I was attending to my duties.

Q. What duties had he inside the rail? A. I suppose he was watcher.

Q. Don't you know? A. I did know at the time.

Q. You were a watcher? A. I was ballot clerk.

Q. And didn't know who the watchers were? A. I didn't know he
was a watcher; I have understood since he was.

Q. Who from? A. He has spoken of it himself.

Q. That is all you know is what he told you? A. Yes, sir.

Mr. GARDNER.—No questions.

DEWITT C. DURLAN, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Where do you reside? A. Town of Goshen.

Q. Were you in the fifth district on election day last fall? A. Yes, sir.

Q. In what capacity? A. Ballot clerk.

Q. Who were the inspectors? A. Mr. Popino, Millsbaugh and
Carpenter.

Q. Who did you see there that day in the interest of the Democratic party? A. Mr. Finan.

Q. Where was he electioneering? A. About the room.

Q. A good part of the day? A. I don't know that he was electioneering.

Q. And inside the rail? A. By times I think he was.

Q. Do you remember Mr. Landy making a protest against his being in there electioneering? A. I think he did.

Q. Was there any difference then? A. No; I don't know as there was.

Q. Went on just the same? A. I think it did.

Q. Was he talking to people there? A. Passing the time of day with them, sure.

Q. Did you hear the conversation? A. No; anything more than speaking to them.

Mr. GARDNER.—No questions.

JOHN P. POPINO, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. You were one of the inspectors of election in the fifth district last fall? A. Yes, sir.

Q. Do you recollect Mr. Finan being there in the room during the day? A. Yes, sir.

Q. Was he working for the Democratic party that day? A. I suppose so.

Q. Was there a protest made against his being there? A. No, sir; I didn't hear no protest.

Q. What was he doing in there? A. I couldn't say; I heard none of his conversation.

Q. How much of the time was he in there? A. He was there quite early in the morning; by 9 o'clock I should think.

Q. Stay there all day? A. About all day.

Q. Was he a watcher? A. Yes, sir.

Q. Sworn in and appointed? A. He was appointed; yes, sir.

Mr. GARDNER.—No questions.

JAMES E. MILLSPAUGH, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. You are the other inspector in the district? A. Yes, sir.

Q. You heard the testimony of the other inspector? A. I couldn't hear all he said.

Q. He said Mr. Finan was in the room the most of the day? A. In the afternoon he was; he wasn't in there in the forenoon, I do not think.

Q. Working outside in the forenoon? A. I suppose he was.

Q. Go in and out during the afternoon? A. Few times.

Q. Come in with anybody? A. No, sir; I don't remember he brought any one in.

Cross-examination :

By Mr. DIMMICK:

Q. He was a watcher? A. Yes, sir.

Q. Was he electioneering? A. I did not see him; not to my knowledge

DANIEL CARPENTER, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. You were in the fifth election district? A. Yes.

Q. You saw Finan in the room? A. Yes.

Q. Was he in there as much as he was out? A. In the morning of it he was outside the rail, and I saw him making attempt to pass a ticket in, and I says, "That won't do;" and he says, "I won't do it again;" then he was appointed watcher after that, and then he was inside the rail.

Q. He handed a paster to a voter? A. Yes; had it in his hand and the voter didn't get it; I says, "That won't do."

Q. Then he swore in as a watcher? A. Yes.

Q. What time of day was that? A. Long enough to get the appointment from Goshen down to our polls than he was inside the rail as watcher.

Q. You don't know what he did after that? A. No; I didn't see any irregularities after that.

JOSEPH WALLING, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. Do you corroborate the testimony of this witness? A. Yes.

THOMAS FINAN, being duly sworn, testified as follows:

By Mr. HIRSCHBERG:

Q. You reside in the town of Goshen? A. Yes, sir.

Q. You are the gentleman that has been referred to by these other witnesses? A. Yes, sir.

Q. You can state your iniquity, or anything you did that was wrong there that day, in the way of electioneering within 150 feet of the polls? A. I don't know that I did anything.

Q. Do you remember offering that paster? A. No, sir; I do not.

Q. You were there most of the day? A. Yes, sir.

Q. How long were you there before you were appointed watcher?

A. I was appointed, supposed to be appointed, watcher from the time I first went there, but the inspector had left the voucher at his house and we had to send after it; I was appointed at the time, only the voucher wasn't there.

Q. What hour in the day was it you got your credentials? A. I think it was before 9 o'clock in the morning.

By Senator ENDRES:

Q. Do you know anything about the two dollars? A. No, sir.

Q. You were there in the interest of the Democratic party? A. Yes, sir.

Q. Were they paying two dollars for voters? A. I don't know.

Q. Do you know anything about this? A. Did I see anybody getting two dollars; no, sir.

It is hereby stipulated by and between the counsel for the parties to this proceeding that the apparent discrepancy appearing upon the face of the returns in evidence is due to the failure upon the part of the inspectors to attach to the returns split tickets in each and every instance, and that the difference between the returns of the straight tickets and the votes cast for the respective candidates for senator, arises in the difference of opinion entertained by inspectors as to what is a straight ticket, and the trimmed ballots arising from the trimming of the official ballots and not that the official ballots were smaller than the law required.

Counsel for the sitting member agreed to close their oral testimony on the adjourned day.

The committee then adjourned to meet on Tuesday evening, March 29, 1892, at 7.30 P. M.

ALBANY, TUESDAY *March* 29, 1892.

The committee met pursuant to adjournment.

Present — Senator ENDRES.

JEREMIAH E. BARNES, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you live? A. Thomas Ridge, Orange county; first district, town of Crawford.

Q. Were you poll clerk at one of the election districts there at the last general election? A. Yes; first district.

Q. Who were the inspectors? A. Ira Van Cleef; Samuel Anderson and Nathan Rumph.

Q. What was the complexion of the board? A. Wholly Democratic.

Q. In counting the votes who took part in it? A. The inspectors unlocked the boxes; one of the poll clerks helped unfold the ballots and put them in piles; Democratic and Republican.

Q. Did you see any man voting there that came inside and got his tickets? A. Yes; two of them; I don't know who the second man was; one man's name was William Boyce; I handed him the tickets; he took them and walked outside and the inspector went out and brought him back, and in the case of the man Boyce he voted his tickets without going in the booth.

Q. The first man that came there and went out doors, when he came back what did he do? A. I think he went in the booth.

Q. You are sure he went out doors before he went in the booth? A. Yes, sir.

Q. Took the tickets out there? A. Yes, sir.

Q. The official tickets? A. Yes; tickets I gave him.

Q. Took them out of the building? A. Yes; took them outside the room.

Q. How long was he gone? A. Probably ten minutes.

Q. What did the other man do? A. The other man went out of the room; I don't know whether he went out of the building with the official tickets and when he came back he had them folded and voted them.

Q. Did you see anybody interfere with a voter there; was Daniel Thompson there? A. Yes, sir.

Q. What are his politics? A. Democratic worker on that day.

Q. What are the politics of these two men you spoke of that went out of the building with the tickets? A. I don't know what the politics of one was, the other I think was a Republican.

Q. State what you saw of Mr. Thompson? A. I saw a man named John Decker come in, a Democrat, he got his tickets and said he had left his glasses home and was unable to fold them; Mr. Thompson, spoke up and says, "try my glasses;" he says, "I can't see with those;" Thompson took the tickets and looked at them and said, "you vote that" and told him to give the others to the inspectors.

Q. Did he go in the booth? A. After that; yes.

Q. How long was he gone? A. Probably three minutes.

Q. What was Mr. Thompson? A. He was simply a worker.

Q. Democratic worker there? A. Yes, sir.

Q. Did a man come there about the time the polls closed? A. About five minutes before the polls closed.

Q. Do you remember the hour the polls closed? A. Four fifty-two. I think, was the time; he got there, probably, ten minutes of 5.

Q. State what took place? A. He had a great deal of trouble in folding his tickets and getting them right, and he came back three or four times and occupied from twelve to fifteen minutes, and when he voted it was eight minutes after the time the polls were to be closed.

Q. Did anybody remonstrate against keeping the polls open? A. Yes; Dr. Condit; he said the polls should be closed at sundown; the inspectors held the man had a right to vote.

Q. They kept them open five to eight minutes after the time? A. Yes, sir.

Q. What was his politics? A. Democrat.

Q. You are an attorney-at-law? A. Yes, sir.

Cross-examination :

By Mr. GARDNER :

Q. Was there anybody else that voted after that man that you refer to voted? A. After 5 o'clock?

Q. Yes? A. No, sir; he was the last one voted.

Q. You were in and around the polls at the time? A. I was poll clerk.

Q. You didn't observe anything irregular except as you claim his voting after sundown?

Mr. O'NEILL.— What he stated here.

Q. What are your politics? A. Republican.

Q. By whom were you appointed as poll clerk? A. I was appointed by Samuel Anderson.

Q. Who is Samuel Anderson? A. One of the inspectors of election.

Q. Samuel Anderson; are you quite sure he is the one? A. Yes, sir.

Q. When were you appointed? A. I was appointed about fifteen days before election.

Q. Where was Anderson on the day of election? A. He was there; he was an inspector.

Q. What are his politics? A. Republican, I think.

Q. I understood you to say in answer to the counsel —? A. (Interrupting) Anderson was a Republican inspector; I made a mistake; I wish to correct my statement in that respect.

Q. That man who didn't go in the booth to make a preparation of his ballots; are you able to state his name? A. Yes; William Boyce.

Q. Do you remember about where he stood when he prepared it?
A. I do not; he was outside of the room.

Q. You didn't see the Democratic inspectors talking to him? A. I saw the Democratic inspector go after him and fetch him back.

Q. You didn't see him assist him in the preparation of his ballot?
A. No.

Q. Do you know whether there is anything irregular about that or not? A. No; not so far as the preparation is.

Q. What did you assign as the reason why you thought the inspector assisted him? A. I didn't assign any reason; I didn't say he did; I said he went one side and prepared his ballot.

Q. Do you know whether he could see? A. Yes; he could see.

Q. Read and write? A. I couldn't say as to that.

Q. Who was it you said assisted him? A. I didn't say anyone.

Q. What was his name; the Democratic inspector? A. Nathan Rumph.

Q. You say Dr. Condit assisted somebody? A. No; I didn't say so; I said he objected to this man voting after sundown.

Q. Did you see any other parties go outside that day and prepare the ballots? A. I said I saw a man go out, but I didn't recall his name.

Q. Do you know whether a Democrat or Republican? A. I do not.

Q. What were the politics of Boyce? A. Republican, I think.

Q. What are the politics of the doctor? A. Republican.

Q. Did the doctor come in with him? A. In the voting place?

Q. Yes? A. I think not; he was there.

Q. Simply objected? A. He acted as a watcher at the polls that day.

Q. With the exception of the two or three instances that you have mentioned here, or rather two instances, did you observe anything which you claim to be irregular or out of order that day at the polls in that district? A. I don't think I did.

Q. So far as you know, the result was correctly announced as to the count? A. Yes, sir.

By Mr. O'NEIL:

Q. What election district? A. First election district.

By Mr. WASHBURN:

Q. Did you see Dr. Condit working around the polls there that day?
A. I did not.

Q. Are you sure he didn't go outside with that voter? A. I am not sure.

Q. Are you sure he didn't meet that voter outside and help prepare his ticket outside? A. No, sir.

Q. Are you sure the doctor was in the room at the time the voter was out of the room? A. I didn't take no notice of that.

Dr. DANIEL T. CONDIT, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you reside? A. First election district, town of Crawford.

Q. Were you at the polls at the last general election? A. Part of the time.

Q. What irregularities did you see there, if any? A. I saw a man take his tickets and go in the booth and in a few minutes come out and when outside the railing showed them to another party; the tickets were folded outside and he went back inside the railing and gave them to the inspector.

Q. What is his name? A. Lineburg.

Q. What are his politics? A. I believe him to be Republican; sometimes he votes a Democrat ticket.

Q. Did you see any other irregularity there? A. Yes, sir.

Q. State what it was? A. There was a man come to the polls four or five minutes before the time for closing; his name was Walch.

Q. What were his politics? A. Democrat; he went in the booth and after a while came out and was sent back several times; in the meantime it came time for the polls to close, and I asked at the time—and he was sent back and the polls kept open; he was twelve minutes trying to get the ballot in, and the polls were kept open eight minutes after sundown.

Q. Did you remonstrate with the board? A. Yes; there was only one Democrat member of the board present at the time, the other two had gone to tea.

Q. Notwithstanding your remonstrance, they held the polls open and received his vote? A. Yes, sir.

Q. Anything else? A. There was this man they spoke about—Mr. Boyce—he took his tickets and went out doors; I didn't see him go out of the building; I saw him on the street; I saw the inspector go down after him and come back with him, but I didn't know at the time he had his ticket.

Q. Who was the inspector? A. Rumph.

Q. He was a Democrat? A. Yes, sir.

Q. This man that went out of the building, what was he? A. Republican; he doesn't read or write.

Q. An ignorant man? A. Yes, sir.

Q. Is he what they call a "floater?" A. Yes, sir.

Q. Who was the inspector with Lineberg? A. No inspector; the man he was talking to in the corner was another citizen named Smiley Howes, a Republican.

Q. Who was the inspector that called one of these men back? A. Rumph, the Democratic inspector, went out and brought Boyce back; Boyce went out of the building some 700 feet when he was overtaken by Rumph and brought back,

Q. He hadn't voted yet? A. Yes, sir.

Q. Did he come back? A. Yes, sir.

Q. He had the official ballots when he went out? A. Yes; I saw him have something in his hand; I understood afterwards it was tickets.

Q. Did it look like tickets? A. I was too far away to say positively; he came out and went down the street and got him and brought him back.

Q. Did you go back then in the building? A. No, sir.

Cross-examination.

By Mr. DIMMICK:

Q. Did you object to the man voting—this man Rumph brought back? A. No, sir.

Q. Did you object to the man's voting that was counseling with the Republican? A. I did not.

Q. The irregularities that you say principally were committed by Republicans, weren't they, all with the exception of their not closing the polls in time? A. No, sir; I think not.

Q. State some irregularity that you saw a Democrat do? A. I think I saw a Democratic clerk handling the ballots after the polls were declared closed.

Q. Counting them? A. No, sir; after they had began canvassing there were several ballots in the box that were scratched and they were handed around the board for inspection.

Q. Were they the ballot clerks? A. No, sir.

Q. Poll clerks? A. The clerks of election.

Q. Who was it that you saw? A. Mr. Clark.

Q. They weren't counting them, were they? A. Only as they kept a tally sheet.

Q. You were a watcher? A. No, sir.

Q. Were you inside the guard-rail? A. No, sir.

Q. You were there most of the day? A. I was about one-third or half of the day.

Q. Who were the Republican watchers at that polls? A. We had no watchers either Democrat or Republican.

By Mr. GARDNER:

Q. Did you solicit any votes that day? A. Yes; I did.

Q. Where; around the polls? A. Yes, sir.

Q. Had pasters? A. I had.

Q. The polls were held in a house? A. In a wagon maker's shop, with blacksmith shop adjoining.

Q. You were around the blacksmith shop asking for votes? A. No, sir.

Q. In the 150 feet? A. I was inside 150 feet, but I didn't solicit votes inside of 150 feet; I saw two Democrats soliciting votes inside of 150 feet.

Q. Who were they? A. Daniel Thompson and Samuel Livingston.

Q. Whose votes did they solicit? A. I supposed they were Democrats; they were voters.

Q. Who were the men? A. I saw Sam Livingston talking to an Irishman that lives above us by the name of Edward McKenna.

Q. How near were you to him? A. I came out of the room and went in the blacksmith shop right after dinner; Sam Livingston stood by the stove and they had a paster between them.

Q. You are unable to state whether they were talking on the subject of election or any other subject? A. No; they appeared very much interested in the paper they had; they had a paster.

Q. Who did you see Thompson soliciting? A. I saw him talking to — I won't say certainly, but it was a man out at the door, and I spoke to him at the time, and told him he was inside of 150 feet; he had some tickets; I didn't pay any attention to what he said; I told him he was inside the 150 feet; he had been measuring the distance off and staked it out.

By Mr. DIMMICK:

Q. Was there any mark there to show the 150 feet? A. Yes, sir; it was staked out in both directions on the street.

By Mr. O'NEIL:

Q. Mr. Thompson staked it out? A. Yes; Thompson and Oliver Gillespie.

Q. Both Democrats? A. Yes, sir.

By Mr. DIMMICK:

Q. There was a Republican inspector there? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. That was during the day? A. Yes, sir.

By Mr. O'NEIL:

Q. Not at the time they were waiting for this vote? A. I won't say positive about that, I think there was only one and he was a Democrat; they went to tea and when they came back the polls were declared closed and I walked down with the other two gentlemen, one remaining there, I going to tea and the polls were closed and the vote wasn't canvassed until after these gentlemen came back from tea.

By Mr. HIRSCHBERG:

Q. These poll clerks had these ballots in their hands when they handled them? A. It wasn't the poll clerks, it was the clerks of election.

Q. Did they have the ballots in their hands, take hold of them and handle them? A. Yes, sir.

By Mr. WASHBURN:

Q. What do you mean by the clerks of election of election? A. You may call them poll clerks, it wasn't ballot clerks.

By Mr. DIMMICK:

Q. Did you protest against the Republican inspector going to tea? A. No, sir.

Q. Do you think the Republican inspector was away from the polls at the time it was time to close the polls? A. I can't say.

By Mr. O'NEIL:

Q. You are positive this vote was deposited after the polls should have been closed? A. Yes; it was eight minutes after because I had my watch out at the time.

By Mr. WASHBURN:

Q. The Republican inspector wasn't present at that time? A. I couldn't say.

Q. What was the name of the two men that left the polls with their tickets? A. Mr. Boyce went outside, I saw him outside.

Q. Did you meet him outside? A. No.

Q. Had any conversation with him? A. No, sir.

Q. Is it a fact you helped him fix his tickets outside? A. No, sir; I did not.

Q. What was the name of the other man? A. Lineberg, he didn't take the tickets out of the room; I saw him out in the street.

Q. You didn't assist any voter in fixing his tickets outside of the limits? A. After he had gone in the booth?

Q. Yes. A. No, sir.

Q. Or before he had gone in the booth? A. I may have given him a paster.

Q. The official ballot? A. No.

Q. Didn't you assist any voter in arranging his official ballot after he had been inside the building? A. Only in the booth, I went in the booth and helped a man that was partially blind and couldn't see.

Q. What time did the polls close? A. I think the sun went down 4.52, and it was after the sun went down.

Q. What time were the polls declared closed? A. If it was 4.52 it would be just at 5 o'clock; I am not positive the time the sun went down, it was eight minutes after the time for the sun to go down.

Q. You are not positive at what time the polls closed? A. I have told you what I thought.

Q. You locate it from the time of sunset; if you should happen to be mistaken as to the time of sunset? A. About noon that question came up; we had been deprived of a Republican vote on this same thing a few years ago, and it was for that reason I asked so particularly about the time; I had the time from the gentleman who opened the polls, they said that was the watch they were going by.

Q. What time was it by that watch? A. Eight minutes after the time for the sun to go down.

Q. What time was it? A. I believe the sun went down 4.52.

Q. Was it 5 o'clock? A. I believe it was.

Q. Will you swear it was? A. I wouldn't swear to any more than I have.

Q. This voter you think was in the polls and had received his ballot before it was time to close the polls? A. Four minutes before, he was twelve minutes fixing his ballot.

By Mr. O'NEIL:

Q. You had the testimony of the inspector in reference to the time the polls should close? A. Yes; I called his attention to his watch

Q. You paid particular attention to that to see this ballot was deposited before the polls were closed, or the time fixed by the inspector for the closing of the polls? A. Yes, sir.

Q. Whether 4.52 or not, it was eight minutes after the time they had fixed for closing of the polls? A. Yes, sir.

Q. Whether it was 4.52 you can't remember? A. No.

Q. Eight minutes after they had fixed for sunset? A. Yes, sir; all through the day in back of the railing in our district was crowded with voters both Democratic and Republican, there was no effort made to keep them out, and they were remonstrated with two or three times; I did for one.

By Mr. DIMMICK:

Q. Any Democrat remonstrate? A. I don't know what they did, they might.

Q. All Republicans remonstrate? A. I didn't say so.

By Senator ENDRES:

Q. How many Democratic inspectors were there? A. Two.

Q. Both remonstrated with this crowd? A. I think once or twice they sent some of them out; it got so full they were interfering.

By Mr. WASHBURN:

Q. Are you able to state at what time the polls were closed? A. Not any further than I have.

Q. You haven't done it at all as yet.

Senator ENDRES.—He says he believes it was 5 o'clock.

Mr. HIRSCHBERG.—It was eight minutes after the inspectors fixed the time for sunset.

GEORGE HUNTER, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you live? A. My home is in Chester; I live at Goshen now.

Q. You are employed in a hotel? A. No; Mr. Church's livery stable.

Q. Were you living there at the last general election? A. No, sir.

Q. Where were you living? A. At Mr. Church livery stable in Goshen.

Q. In what election district did you vote? A. Second district, I think; the polls were held at Music hall.

Q. Above the Orange hotel? A. Yes, sir.

Senator ENDRES.—Is that the second district?

Mr. O'NEIL.—Yes.

Q. Do you know Fred C. Lamont, the Democratic candidate for senator last fall? A. Yes, sir.

Q. Where did you see him before election? A. At Mr. Bacon's office.

Q. Congressman Bacon? A. Yes, sir.

Q. Who sent for you? A. Nobody in particular.

Q. How did you come to go there? A. Some gentleman spoke to me about going up there.

Q. Who did you see when you got there? A. Saw Mr. Lamont.

Q. Did you have any conversation with him? A. Yes, sir.

Q. What was it? A. In regard to working for him and voting for him.

Q. What were you to do; what was said? A. He said he would pay me for it if I would work for him.

Q. And vote for him? A. Yes, sir.

Q. Did he give you any money; state what he said? A. He said he would give me ten dollars if I would work for him.

Q. Was there anything said about voting for him? A. And vote for him; yes, sir.

Q. Add the two together if he said so, if he didn't leave one out? A. Yes, sir.

Q. What did you say? A. I told him I would do it.

Q. Did he give you any money that day? A. Gave me a dollar.

Q. That was how long before election? A. Probably a week or two.

Q. Any one else with you? A. Yes, sir.

Q. Who? A. William Ransom.

Q. Did he give him a dollar, too? A. I presume he did; yes, sir.

Q. You were both together all the while? A. He did; yes, sir.

Q. You saw him give him a dollar? A. Yes, sir; is that satisfactory?

Q. Who was working for Mr. Lamont at Goshen, who was the man that paid out the money, if anybody, who paid out the money for the votes; do you know a man named L'Amoreaux? A. Yes, sir.

Q. What is his first name? A. Jim.

Q. Who was he working for? A. I judge he was working for Mr. Lamont.

Q. Do you know? A. Yes, sir.

Q. Was he working for Mr. Lamont? A. Yes, sir.

Q. In what district? A. Second district.

Q. Did you get two dollars the morning after election? A. I did.

Q. How was it given to you? A. In an envelope.

Q. By whom? A. By Mr. L'Amoreaux.

Q. You know him? A. Yes; an engineer, he used to be.

Q. Was there any other colored man there working for Mr. Lamont election day? A. Not as I know of.

Q. Wasn't Mr. Low working for him, Stump Low? A. He was working for Mr. Wilcox at that time.

Q. Was he working election day for any candidate, was he peddling pasters? A. That I don't know.

Q. Did he give you a paster? A. He gave me one.

Q. The Lamont paster? A. Yes, sir.

Q. Where was it? A. Up to the house.

Q. Near the polls? A. Yes, sir.

Q. Did he tell you where you would get the envelope the next morning? A. Yes, sir.

Q. Did you go there to L'Amoreaux's to get the envelope? A. Yes, sir.

Q. And it had two dollars in it? A. Yes, sir.

Q. That was the morning after election? A. Yes, sir.

Q. Was it sealed up? A. Yes, sir.

Q. L'Amoreaux handed it to you? A. Yes, sir.

Q. Where did you see L'Amoreaux? A. In his place of business under Mr. Howes.

Q. He keeps a saloon? A. Kind of a restaurant.

Q. Low told you to take that paster and vote it and go there the next morning and get two dollars? A. Yes, sir.

Q. And you went there and got the two dollars? A. Yes, sir.

Cross-examination:

By Mr. GARDNER:

Q. What did you say your first name was? A. George Hunter.

Q. Have you a middle name? A. No, sir.

Q. Are there any other Hunters in the village of Goshen? A. Yes, sir.

Q. Colored people? A. Yes, sir.

Q. By the name of George? A. No, sir; not by the name of George Hunter; my father's name is George but he is dead.

Q. How long has he been dead? A. Eight years.

Q. About how long was this before election that you were in Mr. Bacon's office? A. I couldn't tell you exactly the time, how long it was.

Q. In answer to Mr. O'Neil you thought it was about ten days; that is correct, I suppose, or one or two weeks? A. I couldn't tell you the exact time.

Q. Who was in the office with Mr. Lamont at the time, if anybody? A. That I couldn't tell you.

Q. Was there anybody? A. Some gentleman there.

Q. You don't know who it was? A. I couldn't call him by name.

Q. You know Mr. Bacon? A. Yes, sir.

Q. It wasn't Mr. Bacon? A. No.

Q. Mr. Merritt, his parter? A. No.

Q. He wasn't there? A. No.

Q. The gentleman's name you can't mention? I could not.

Q. You say he said he would give you ten dollars to work for him?

A. Yes, sir.

Q. Did he give it to you? A. No, sir.

Q. At any time? A. No, sir.

Q. The one dollar which you say he gave to you; when was it given to you? A. The day I went up there in his office and was talking to him.

Q. On this occasion that you mention? A. Yes, sir.

Q. When he handed you that one dollar was there anything said as to what it was given for? A. There was not; no, sir.

Q. What is your business? A. I am a working man; that is all I can tell you.

Q. Have you a trade? A. No; I have not.

Q. Do you know Mr. Hock? A. Yes; work for him.

Q. Who were you working for at the time? A. I was working at Mr. Church's livery stable.

Q. You are a man of family? A. Yes, sir.

Q. You are not in the habit of selling your vote, are you? A. I should hope not.

Q. You have too much respect for yourself and your family for that, haven't you? A. I have got a good deal of respect for myself and my family and my grandparents before me also.

Q. You ordinarily would resent an insult of offering you money for your vote? A. I haven't done it as yet.

Q. And never intend to so long as you can help it?

Mr. HIRSCHBERG.—I wouldn't commit him to the future.

Q. If it be true, and I presume it is from your appearance, that you have too much respect for yourself and your family to receive money for a vote, then the one dollar that was given to you by Mr. Lamont was to be applied on the account of working for him, wasn't it; isn't that the way you wish it to be put on the record, or do you wish it to be put on record you sold your vote for one dollar? A. No, sir; I didn't sell my vote for one dollar.

Q. What was that one dollar given to you for? A. I suppose it was to lush the boys up and get them around.

Q. You wish to qualify your testimony, do you not, and have it stated on record that the one dollar which Lamont gave to you was to help along in the election and treat the boys and so on, wasn't that the purpose? A. I don't know what purpose he gave it to me for; but he gave it to me.

Q. Mr. Hock you have worked for more or less, he is a Republican, isn't he; you have been in the employ of Mr. Hock in the past? A. Yes, sir.

Q. Working for him about the hotel? A. Yes, sir.

Q. He is ex-Republican county clerk of Orange county? A. Yes, sir.

Q. For whom did you vote on election day for senator? A. Mr. Richardson; is that plain enough?

Q. Yes; are you acquainted with a colored gentleman from Newburgh named George Humans? A. No, sir.

Q. Are you acquainted with a colored gentleman from Newburgh named Henry Humans? A. Yes, sir.

Q. You have seen Mr. Humans at Goshen within the last four or five weeks? A. I wouldn't say whether I have or not.

Q. You have seen him this winter at some time? A. Yes, sir.

Q. At Goshen? A. Yes, sir.

Q. Did you have any conversation with him upon this subject as to how you voted at the last election? A. No, sir.

Q. Did you have any conversation with him upon the subject of this contest, this election contest going on here? A. I was talking to him a little bit.

Q. Who was by when you were talking to him? A. Not anybody by when he was talking to me.

Q. Were you that day in company with Mr. Humans at the office of Justice of the Peace Wyker? A. I was; yes, sir.

Q. What called you to the office of Mr. Wyker; how did you come to go there in company with Mr. Humans? A. He asked me to walk up there and I went up there with him.

Q. What did he ask you to go up there for? A. It was in regard to this, I suppose.

Q. In regard to what you knew about voting last fall, wasn't it? A. In regard to what I knew?

Q. Yes. A. Why, yes; but I don't know anything about it.

Q. You went with him? A. I didn't go up with him; I didn't walk up there with him.

Q. Did you go there? A. I was there.

Q. After or before he went there? A. After he was there.

Q. Was he there when you were there? A. He was there before I got there.

Q. Did you sign any paper in Mr. Wyker's office that day? A. No, sir.

Q. Did you put your mark on any paper? A. No, sir.

Q. Did you make any statement to Mr. Wyker? A. No, sir.

Q. Did you make any statement to Mr. Humans? A. I did not; no, sir.

Q. Did he ask you to sign a paper? A. He did.

Q. What was your answer? A. I told him no.

Q. When did you tell him you wouldn't, before or after you got there to the office? A. I told him before I got to the office and I told him also afterwards.

Q. How did you come to go to the office? A. I walked up there, he asked me to come up there.

Q. Can you read? A. I can read.

Q. Can you write? A. Yes, sir.

Q. Did you make your mark or write your signature? A. I make my mark or write, either one.

Q. [Presenting same.] Will you look at that writing? A. Yes, sir.

Q. Are you able to read it? A. Yes, sir; that is not my writing, my name is signed there.

Q. How do you know your name is signed there? A. The gentleman signed there, I suppose, I didn't know; the gentleman that came up there with Mr. Humans was drunk.

Q. What was his name? A. I couldn't tell you.

Q. What makes you suppose he signed it? A. That I don't know.

Q. Have you heard before that it was signed there, your name? A. I haven't heard so, no; he was talking very much like a man that was going to put it down there without my permission to put it down there.

Q. You deny that is your mark, do you? A. I do; that is not my mark.

Q. It wasn't signed by you? A. No, sir.

Q. Nor put there by you? A. No, sir.

Q. In the presence of Henry Humans? A. It was not.

Q. Nor sworn to before Mr. Wyker? A. No, sir.

Q. You didn't authorize anybody to put that mark there? A. I did not authorize nobody to put no mark on there.

Q. If you at any time stated you voted for Mr. Richardson and got two dollars from the Republicans for so doing is it false or true? A. I did not; no, sir.

Q. If you stated it in writing to be so, is it false or is it true?

Mr. COUNTRYMAN.—We object to that.

A. I told you I didn't sign it.

Q. On election day you were in Goshen about the polls? A. No; I wasn't around the polls this last election.

Q. Where were you? A. I was driving.

Q. For whom? A. For Mr. Wilcox; the man that keeps the livery stable.

Q. In whose interest were you driving? A. Driving for the Republicans.

Q. Working for Mr. Richardson? A. When do you mean, last election or last fall?

Q. Last fall? A. Last fall I wasn't driving.

Q. For whom were you working? A. I was working around the polls.

Q. For whom were you working around the polls, Richardson or Lamont? A. I was working for Mr. Richardson, certainly.

Q. Then Mr. Lamont don't owe you anything, does he? A. Only what he said; he said he would give me ten dollars.

By Senator ENDRES:

Q. Did you ever get it? A. No.

Q. Did you ever ask him for it? A. I did ask him for it.

Q. When? A. Asked him for it two or three different times.

Q. After the election? A. Yes, sir.

By Mr. GARDNER:

Q. Did you tell him you had been working for Richardson when you asked him for it? A. No; I did not.

Q. So you didn't vote for Mr. Lamont for one dollar? A. No; I did not.

Q. And didn't vote on account of any promise made by Mr. Lamont; you did not vote for Mr. Lamont? A. I told you no.

Q. Did you see Mr. Hock that day of election? A. I couldn't say whether I did or not.

Q. Did you see him the day before election? A. That I couldn't say.

Q. You got a good many voters on election day? A. That I couldn't say how many I got.

Q. Ten to fifteen? A. I don't know how many I got.

Q. As many as that? A. I don't know.

Q. You got most of the colored voters in the village of Goshen to vote for Richardson? A. I told you I don't know.

Q. Didn't you get a good many of them? A. I don't know as I have got to answer that question.

Senator ENDRES.—Answer it.

Q. Didn't you get a good many Republican voters among the colored people for Richardson on election day? A. I got one or two I suppose.

Q. You got a great many more than that, didn't you; didn't you get at least ten? A. I couldn't say how many I got.

Q. Will you mention the two you did get? A. I don't know that I could mention their names just at present.

Q. You had some understanding with them before they voted, didn't you? A. Oh, no.

Q. Were you subpoenaed once before to appear here in this investigation? A. On what day?

Q. At any time excepting this time before this time; were you served with a subpoena before this time to appear here in Albany? A. I think it was; yes, sir.

Q. Do you remember the man who served you with a subpoena? A. I do not.

Q. Is it that gentleman, Mr. Wager? A. That is the gentleman that served me yesterday.

Q. Somebody did, at least? A. Yes, sir.

Q. You didn't appear, did you? A. No, sir.

Q. Why didn't you appear? A. Because I didn't have the money to appear with, to pay my fare here, that is the best reason in the world.

Q. Was that a good reason why you should not appear, because the money wasn't given you, you understood that was a good reason why you should not appear? A. I didn't have the money.

Q. You understood that is a good reason you should not appear because you didn't have the money? A. I did not, I didn't have the money to come with.

Q. You took counsel in the case as to whether you were obliged to appear, that is proper, you asked somebody as to whether you were obliged to appear here if you didn't have the money given to you? A. I did not; no, sir; I didn't have the money to come with.

By Senator ENDRES:

Q. You spoke to nobody? A. No, sir.

By Mr. GARDNER:

Q. Nobody advised you to stay away? A. No, sir.

Q. Weren't you to the train Monday morning following the time you were subpoenaed? A. No; sir; I was not.

Q. Didn't see any of the rest of the colored gentlemen from Goshen that were subpoenaed; didn't you know some others had been subpoenaed? A. I don't know anything about it.

Q. Didn't they tell you they had been? A. No; I don't know nothing about that at all.

Q. Didn't they show you any papers? A. None of the rest of the gentlemen showed me any papers.

Q. You didn't advise any to stay away? A. No, sir.

By Mr. WASHBURN:

Q. At the time you met Mr. Lamont in Mr. Bacon's office how many others were present besides you and Mr. Lamont? A. Mr. Ransom.

Q. You say you met Mr. Lamont a week or two before election at Bacon's office? A. I can't remember what time it was.

Q. Who else was present? A. Mr. Ransom.

Q. No one else? A. That I couldn't say; I know Mr. Lamont was there and Mr. Ransom and myself.

Q. You don't know whether there was anybody else there? A. I couldn't say.

Q. You saw Mr. Lamont give a dollar to Mr. Ransom? A. Yes, sir.

Q. Had he driven him anywhere about the country? A. That I don't know.

Q. Do you know whether he drove him at any time or not? A. I couldn't say,

Q. Was there any conversation between you and Mr. Lamont about how you expected to vote before he talked to you about working for him at the polls? A. I haven't said anything to him about it.

Q. This man Ransom was he a driver at the livery stable? A. No; he wasn't at that time.

Q. Did you work at a livery stable? A. I was working up to Mr. Church's; Mr. Ransom wasn't driving.

Q. He wasn't employed as a driver in any livery stable in Goshen? A. No, sir; he is here, he can tell you.

Q. How do you know he was not employed in a livery stable? A. I am most positive he wasn't employed in a livery stable.

By Mr. HIRSCHBERG:

Q. You knew who was employed in livery stables then? A. Yes, sir.

Q. Did Mr. Lamont say where he wanted you to work on election day? A. He didn't mention any particular place.

Q. Did he say among whom he wanted you to work? A. He said he would like me to get all the votes I could for him.

Q. Among the colored people? A. Yes, sir.

Q. In Goshen? A. Yes, sir.

By Mr. WASHBURN:

Q. Mr. Lamont said if you did work for him all day at the polls he would give you ten dollars for working for him at the polls? A. Yes, sir.

By Mr. O'NEIL:

Q. And you were to vote? A. Yes; he wanted me to vote for him.

Q. And he said so? A. Yes, sir.

By Mr. WASHBURN:

Q. Had you not stated you were dissatisfied with Mr. Hock? A. No; I am not dissatisfied with him and never was.

Q. Did say so? A. No, sir.

By Mr. HIRSCHBERG:

Q. Humans tried to get you to go up to Wyker's to sign a paper there? A. Yes, sir.

By Mr. WASHBURN:

Q. Do you know who wrote that paper? A. I do not.

By Mr. HIRSCHBERG:

Q. There was a paper written there and you refused to sign it? A. I refused to sign it.

Q. What was in it wasn't true? A. No, sir; wasn't true; the man that signed it lives in Newburgh; the man that wrote the paper.

Q. Was he a white man? A. Yes, sir.

By Mr. WASHBURN:

Q. Did you see him write it? A. No; I was told so.

By Mr. O'NEIL:

Q. Was he intoxicated? A. He wasn't intoxicated; he was drunk.

By Mr. WASHBURN:

Q. Did you read it? A. No.

Q. You don't know what was in it? A. I couldn't say what was in it; I think it would puzzle a Sullivan county lawyer to read a letter he wrote at that time.

Q. Did you see Justice Wyker have it in his hands at that time? A. I did not.

By Senator ENDRES:

Q. Who told you to go to Bacon's office? A. I don't remember now who it was; some one on the street.

Q. You went to Bacon's office and saw Lamont? A. Yes, sir.

WILLIAM RANSOM, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you live? A. Goshen.

Q. Where did you live at the last general election? A. Goshen.

Q. Did you ever see Mr. Lamont, the Democratic candidate for senator? A. Yes, sir.

Q. Did you see him last fall in Goshen? A. Yes, sir; seen him in an office he had in Mr. Bacon's building.

Q. The congressman? A. Yes, sir.

Q. Did you go there with anybody? A. Yes, sir.

Q. Who went with you? A. Me and Mr. Hunter.

Q. Did you go together? A. Yes, sir.

Q. How did you come to go there? A. Mr. Hunter came for me to go up there; said Mr. Lamont wanted a couple of men to work for him around the polls.

Q. See Mr. Lamont there? A. Yes, sir.

Q. Anybody else? A. No, sir.

Q. What conversation did you have with him? A. Just asked us if we would work for him; he says, "I will give you ten dollars if you will work for me to-morrow, and here is a dollar to start on."

Q. Any thing said about your voting for him? A. Yes; and wanted me to vote, too.

Q. You were also to vote for him? A. Yes, sir.

Q. And he gave you a dollar apiece to start on? A. Yes, sir.

Q. How long was that before election? A. The day before election.

Q. Who was the worker for Mr. Lamont, the colored man having Lamont pasters at the polls? A. I don't know of anybody only me; I don't know whether George Hunter had any.

Q. Do you know a man named Low? A. Yes, sir.

Q. Did he give you a paster the next day? A. No; he wasn't in my district.

Q. Did you have pasters yourself? A. I had some of Mr. Lamont's pasters.

Q. Where did you get them? A. I got them of a man named Jack Reddington.

Q. Was he a Democrat? A. Yes, sir.

Q. Did you get two dollars the morning after election in an envelope? A. No, sir.

Q. All you got was that dollar? A. All I got was a dollar.

Q. That was given to you by Mr. Lamont himself? A. Yes, sir.

Q. You were to vote and work for him? A. Yes, sir.

Q. He was to give you nine dollars more? A. Ten dollars outside of the dollar.

Q. That was simply a starter? A. Yes, sir.

Q. Did you work all day? A. I worked all day for Mr. Lamont.

Q. Peddling his pasters and voting for him? A. Yes, sir.

Q. You wouldn't have done it if it hadn't been for this? A. No, sir.

Q. You wouldn't have worked or voted for him if he hadn't paid you for it? A. No, sir.

Q. What district was it? A. No. 2.

Q. You saw him give Mr. Hunter a dollar? A. Yes, sir.

Q. You were both to work and vote for him? A. Yes, sir.

Q. You carried out your part of the contract? A. Yes, sir.

Q. Have you ever seen him since? A. Yes, sir.

Q. Ask him for the money? A. Yes, sir.

Q. You didn't get it? A. No, sir.

Q. What did he say? A. He said he wanted to see what I had done before he would pay me.

Q. You were subpoenaed to come here? A. Yes, sir.

Q. Did he say he was beaten and didn't have any money to pay you? A. He didn't say anything about that; he said he wanted to see what work I had done before he paid me.

Q. You done all you could? A. Yes, sir.

Cross-examination :

By Mr. GARDNER:

Q. The time that you had this talk with Lamont you say was how long before the election? A. I think the day before election; the morning before election.

Q. Where did you say? A. In the building belonging to Mr. Bacon.

Q. Nobody was there except the last witness? A. That is all; me and him and Lamont.

Q. The little office of Bacon's? A. No; in another building next to Mr. Bacon's little office.

Q. That is Mr. Bacon's house? A. Yes, sir.

Q. You got a considerable number of votes that day? A. I got a few.

Q. For Lamont? A. Yes, sir; I suppose they voted for Lamont; promised to.

Q. You voted for him? A. Yes, sir.

Q. You got a dollar at the same time Hunter did? A. Yes, sir.

Q. You never sold your vote, did you? A. No, sir.

Q. Nor you wouldn't? A. No, sir.

Q. What was that dollar given to you for then? A. He didn't say what it was for.

Q. Didn't he say that it was —? A. He said to go on and work and here was a dollar, and give George a dollar, and that is all he said about it.

Q. And give you the nine dollars afterwards? A. No; he said he would give us ten dollars apiece.

Q. You know the consequences of an oath if you swear falsely? A. Yes, sir.

Q. You voted for Richardson that day sure, didn't you? A. No; I don't think I did; I think I voted for Mr. Lamont.

Q. Can you read? A. Yes, sir.

Q. Can you write? A. Yes, sir.

Q. [Presenting same.] Is that your signature? A. That is my name, but it ain't my writing.

Q. Swear to that? A. Yes, sir.

Q. Doesn't it resemble your writing at all? A. No, sir.

Q. I want you to look at that again before you make a statement positively whether that is your signature; this is a sworn affidavit before as reputable a man as there is in Orange county? A. That ain't my handwriting.

Q. You were in Mr. Wyker's office; justice of the peace? A. Yes, sir.

Q. On the 12th day of February, 1892? A. Yes, sir.

Q. Who was there with you? A. Me and a man by the name of Riker from Newburgh.

Mr. HIRSCHBERG.—Raiser?

The WITNESS.—Raiser.

Q. Mr. Humans was there also? A. Yes, sir.

Q. How did you come to go to the office? A. They asked me to go up there and be sworn.

Q. Did you sign any paper that day in Wyker's office? A. I didn't do no writing.

Q. Did you make an affidavit to swear to anything before Mr. Wyker? A. I think this man asked me if I received any money on or before election, and I told him I think I did receive some before.

Q. Did you say in that office that day or swear to it before Wyker that you voted for Richardson and got two dollars for it? A. I don't think I did; no, sir; I don't say I voted for Mr. Richardson at all.

Q. Are you positive you didn't? A. I don't say I voted for Mr. Richardson.

Q. And didn't swear to it? A. No, sir.

Q. And what sort of a paper did you sign? A. I didn't sign any paper.

Q. Didn't swear to anything did you; did Mr. Wyker ask you to swear to anything that day? A. No, sir; Mr. Wyker didn't ask me nothing; this gentleman from Newburgh was the man that was talking.

Q. Did you say this, or this in substance at any time in the office of Mr. Wyker on that day, "that at the regular election held in November last he received two dollars for voting and did vote the Republican ticket, and that deponent further says that he was told to vote particularly for William E. Richardson for State senator;" did you say that or in substance? A. No, sir; I did not.

Q. Nor swear to it? A. No, sir; I didn't.

Mr. GARDNER.— We will mark this affidavit for identification.

[Marked "J. M. R."]

Q. Did you that day have a conversation with Mr. Hock? A. No, sir.

Q. You know Hock? A. I do.

Q. Did you have a conversation with him the day before? A. Didn't have no conversation with him any time, before or after.

Q. Did you tell Humans you voted for Richardson? A. I did not.

Q. Did this other man? A. No, sir; Mr. Hock and me were on a little bad terms because I was working for Mr. Lamont.

Q. Mr. Lamont pay you the ten dollars? A. No, sir.

Q. Haven't received any part of it? A. No, sir; I asked him for it once.

Q. When? A. All the supervisors met in Goshen; I saw him up there one night and I asked him.

Q. He was a member of the board? A. Yes; he said he wanted to see what I had done first.

Q. Did he say he understood you had been working for Richardson? A. No, sir; I told him I worked for him that day.

Q. Were you around with Hunter that day? A. No; Hunter was working in another district.

Q. Are you in the second district? A. I was over in the second district.

Q. That is where Hunter was to work? A. He was in another district.

Q. What district was Hunter in? A. Fourth, I guess; he was working the court house district, and I was working in the district where McNally has a printing office now; in the paint shop.

Q. Music hall? A. No.

Q. If Mr. Lamont didn't give you any part of that ten dollars, then you spent no money of Mr. Lamont's that day in getting votes? A. No; I didn't spend anybody's money.

Q. The votes you got for Mr. Lamont was on account of your personal influence? A. That was all.

By Mr. O'NEIL:

Q. You are a Republican? A. Yes; I didn't get any colored votes.

By Mr. GARDNER:

Q. Are you sure it was the day before election you had this conversation with Lamont? A. Yes; I am pretty sure it was; I think it was the day before, and that night, I think, they were to meet Mr. Bacon to his office.

Q. There is no mistake about it, about its being the day before? A. I think it was the day before election, pretty sure it was, I know it was.

Q. What time? A. I think in the forenoon, about 9 o'clock.

Q. It couldn't have been the second day before election? A. I don't think it could, I think it was the last day.

Q. You are sure it wasn't Sunday? A. I know it wasn't Sunday, I think it was the day before election because we were to meet at Mr. Bacon's office that night; we went up there to meet him and when we got there one of Mr. Lamont's men went in and told him we wanted to see him, but he wouldn't have nothing to say to us.

By Senator ENDRES:

Q. You say it was the day before election you and Hunter went to Bacon's office to see Lamont? A. It was the place Mr. Lamont had to do his writing.

Q. Who told you to go there? A. Mr. Hunter came down for me to go up there to see if I wanted a job to work for Mr. Lamont, so I went along with him to see Mr. Lamont.

Q. Did Hunter tell you how he came to go there? A. No, sir.

Q. Did you vote the Democratic ticket election day? A. Yes.

Q. The straight Democratic ticket? A. Yes, sir.

Q. What kind of a ticket did you vote? A. I put a paster on.

Q. A whole paster? A. No; had one of Mr. Lamont's.

Q. You voted the balance of the ticket some other ticket? A. I didn't look at it to see whether it was or not, I supposed it was.

Q. Ever work for a Democrat before for senator or any other office day of election? A. No, sir; not for no Democrat.

CHARLES LOW, being duly sworn testified as follows:

By Mr. O'NEIL:

Q. Where do you live? A. Goshen.

Q. Orange county? A. Yes, sir.

Q. Did you reside there at the last general election? A. Yes, sir.

Q. Fall of 1891? A. Yes, sir.

Q. Do you know Mr. Lamont, Democratic candidate for senator?

A. Yes, sir.

Q. Did you see him before election? A. Yes, sir.

Q. Whereabouts? A. I drove for him several times and saw him on the street several times.

Q. Did you work for him on election day? A. I did.

Q. Peddle pasters for him? A. I supposed it was for him.

Q. Don't you know? A. I couldn't say, exactly, it was for him; it was for the Democratic party.

Q. Who did you agree with to do that work? A. I was working for Mr. Wilcox then and he asked me if I would as soon take some pasters and go out on the street some.

Q. Wilcox a Democrat? A. Yes, sir.

Q. What pay were you to receive for it? A. He would get me five dollars for the day's work.

Q. And you were to vote the Democratic ticket too? A. He didn't say nothing about my vote.

Q. Simply to work? A. Yes, sir.

Q. For the voters you obtained did you get any money? A. There wasn't anything said about any money; all was said we would get an envelope the next morning from Mr. L'Amoreaux.

Q. That was the understanding when you gave a voter a paster he was to get an envelope from Mr. L'Amoreaux the next morning? A. Yes, sir.

Q. Do you know what was in the envelope? A. I didn't before election; I did after what the boys told me.

Q. What was in the envelope?

Mr. GARDNER.—I object.

Q. Who is L'Amoreaux; he was working for Mr. Lamont? A. Yes, sir.

Q. What pay was he to receive? A. I don't know.

Q. Did you give George Brown a paster? A. I think I did.

Q. Did you give Samuel Ransom a paster; did you give Bony Peterson a paster, Lamont paster? A. No.

Q. Did you give Fred Low a paster? A. I don't know whether I did or not.

Q. All you did give pastors the understanding was that they were to get this envelope the next morning at L'Amoreaux? A. Yes, sir.

Q. And you gave several pastors to several colored men? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. They told you they got two dollars in an envelope?

Mr. GARDNER.— I object.

Senator ENDRES.— Let the men come.

Q. You gave several men pastors with the understanding the next morning they were to get an envelope of Mr. L'Amoreaux? A. Yes, sir.

Q. You sent Hunter to him? A. Yes, sir.

Q. You sent George Brown? A. I think I did.

Q. How many in all did you give pastors with the understanding they were to get an envelope? A. I think there was twenty-three, and I forget how many I had, and Anthony Dusenbury had the balance; I can't remember now what names I did give; there were twenty-three between he and I.

Cross-examination:

By Mr. WASHBURN:

Q. Do you know how these men voted? A. No.

Q. Do you know how Hunter voted? A. No.

Q. You heard him swear he voted for Richardson? A. Yes, sir.

Q. All the rest may have voted for Richardson, as far as you know?

A. As far as I know.

By Mr. HIRSCHBERG:

Q. You didn't give him pastors for that purpose? A. No.

By Mr. WASHBURN:

Q. You didn't give Hunter pastors for that purpose? A. No, sir.

By Senator ENDRES:

Q. Have you ever worked for the Democrat ticket before? A. No, sir; that was my first time.

Q. You got how much for it? A. Five dollars.

By Mr. WASHBURN:

Q. This time you worked for the Democrat ticket at the request of your employer? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. He was a Democrat? A. Yes, sir.

HARVEY GARNER, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you live? A. Goshen.

Q. Did you live there at the last general election? A. I did.

Q. Fall of 1891? A. Yes, sir.

Q. Do you know Charles Low? A. Yes, sir.

Q. Did you get a paster of him last election day? A. Yes, sir.

Q. He was working for Mr. Lamont? A. Yes, sir.

Q. Did you go to Mr. L'Amoreaux office the next morning? A. Yes, sir.

Q. Place of business? A. Yes, sir.

Q. What did you get there? A. Got an envelope.

Q. What was in it? A. Two dollars.

Q. When you got the paster of Mr. Low, were you told there to get the envelope after you voted? A. Yes, sir.

Q. You got the envelope the morning after election? A. Yes, sir.

Q. Of Mr. L'Amoreaux? A. I did.

Q. And it had two dollars in it? A. Yes, sir.

By Senator ENDRES:

Q. Had your name on it? A. Yes, sir.

Q. In ink? A. Written on with lead pencil.

Cross-examination:

By Mr. GARDNER:

Q. Can you read or write? A. No, sir.

Q. How do you know your name was on? A. I can spell my own name.

Q. Who handed you the paster? A. Charley Low.

Q. The last witness? A. Yes, sir.

Q. Do you know who you were voting for? A. Yes, sir.

Q. Could you tell by reading the ballot or paster? A. He told me.

Q. That is all you know about it? A. Yes; I know it was a Democrat.

Q. The paster he gave you? A. Yes, sir.

Q. It was given to you outside the polls? A. Yes, sir.

Q. You took it inside the booth? A. Yes, sir.

Q. Folded it and put it in the box? A. Yes, sir.

Q. All he said to you at the time he would give you an envelope?
A. Yes, sir.

Q. You didn't know what would be in that envelope at that time?
A. No, sir.

Q. You had no suspicion what it would be, either; did you? A. Yes, sir.

Q. About how big did you think it would be? A. About fifteen dollars or twenty dollars.

Q. You got disappointed then? A. Yes, sir.

Q. Were the rest of the boys getting fifteen dollars or twenty dollars? A. I couldn't tell you.

Q. How much did some of the rest of the fellows get? A. That I couldn't say.

Q. Is that what you understand that Richardson was giving, or Hock? A. I didn't know nothing about it.

Q. Were you working for Hock at that time? A. No.

Q. Had you been a few days before? A. No, sir.

Q. Have you been since? A. No, sir.

By Mr. WASHBURN:

Q. Did I understand you to say Mr. Low was employed by Mr. Lamont on election day? A. I believe so.

Q. How do you know it? A. I think so.

Q. You don't know it? A. No.

Q. What was this paster he gave you; a paster ballot? A. A single paster.

Q. Was more than one name on it or a number of names? A. I think so.

Q. You think what? A. More than one name.

By Senator ENDRES:

Q. Did you ever get any money for voting before? A. No, sir.

Q. Is this the first time? A. First time.

GEORGE D. BROWN, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Do you know Charles Low? A. Yes, sir.

Q. He lives in Goshen? A. Yes, sir.

Q. And you live there? A. Yes, sir.

Q. Did you vote at the last general election? A. Yes, sir.

Q. Did you see Mr. Low that day? A. I did.

Q. He was the witness on the stand? A. Yes, sir.

Q. Did you get a paster of him? A. I did.

Q. You voted there that day? A. Yes, sir.

Q. Where did you go the next morning? A. Down to Mr. L'Amoreaux.

Q. He keeps a saloon there? A. Yes, sir.

Q. Did you get anything there? A. I did.

Q. What did you get? A. An envelope.

Q. What was in it? A. Two dollars.

Q. Did you understand when you got the paster you were to get it there the next morning? A. Yes sir.

Q. And you did get it? A. Yes, sir.

Cross-examination :

By Mr. GARDNER :

Q. Was there any writing on the inside? A. No, sir.

Q. You can read and write? A. A little.

Q. Was the envelope handed to you by this gentleman? Yes, sir.

Q. Your name was on the outside? A. Yes, sir.

Q. Sure of that? A. Yes, sir.

Q. You wouldn't sell your vote for two dollars? A. I never did yet.

Q. Didn't intend to then did you? A. No, sir.

Q. Nor you didn't? A. No, sir.

Q. He didn't say it would be in that envelope? A. No, sir.

Q. Did you change your ticket after he handed you the paster and go and get one from another person? A. I did; I had one in my pocket.

Q. So you fooled him, didn't you? Yes, sir.

Q. So you didn't vote the paster Low gave you? A. No, sir.

By Mr. HIRSCHBERG:

Q. You got two dollars? A. Yes, sir.

By Senator ENDRES:

Q. You voted for Richardson? A. I did.

By Mr. GARDNER:

Q. That is what the two dollars was for? A. No.

Q. Mr. Richardson didn't owe you anything? A. No.

Q. Anybody ask you to vote for Mr. Richardson? A. No, sir.

Q. Anybody give you a Richardson paster? A. No, sir.

Q. Did you vote the whole Republican ticket? A. Yes, sir.

By Mr. O'NEIL:

Q. You got nothing for it? A. No.

Q. Two dollars was to vote the Lamont ticket, the ticket you got of Low? A. Yes, sir.

Q. L'Amoreaux was working for Lamont and spending money for him? A. I suppose he was.

Q. You cheated him? A. Yes, sir.

By Senator ENDRES:

Q. Are you in the habit of selling your vote? A. No, sir.

Q. Ever get any money before for voting for a Democrat? A. No, sir.

Q. How many times have you voted? A. I don't know.

Q. At fall elections? A. Half a dozen, I guess.

By Mr. WASHBURN:

Q. Did you see Low spending any money that day? A. No, sir; I did not.

Q. Did you say Low was working for Lamont? A. I suppose he was.

Q. You don't know whether he was or not? A. I do not; I know he gave me a ticket and wanted me to vote it.

By Mr. O'NEIL:

Q. Ask you to vote for Lamont? A. He asked me if I would vote that ticket, and it was a Democrat ticket.

By Mr. WASHBURN:

Q. He didn't ask you to vote for Lamont? A. No, sir.

ANTHONY DUSENBERRY, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. You live at Goshen? A. Yes, sir.

Q. You lived there at the last general election? A. Yes, sir.

Q. What district did you vote in? A. I think it is the second district.

Q. Were you working for Mr. Lamont? A. Well, yes, sir.

Q. Have his pasters that day? A. Yes, sir.

Q. How many did you have? A. I think I had thirteen.

Q. How did you come to work for Mr. Lamont on election day? A. Mr. Wilcox asked me, the liveryman.

Q. The same that asked Mr. Low? A. Yes, sir.

Q. Were you there when he asked Low? A. Yes, sir.

Q. What were you to get for working? A. He didn't say.

Q. What did he say about your pay? A. He told me if I worked for Mr. Lamont there would be an envelope to Mr. L'Amoreaux for me the next morning.

Q. Did you get your envelope? A. Yes, sir.

Q. How much was in it? A. Five dollars,

Q. You were also to vote for Mr. Lamont? A. No, sir; nothing said about it.

Q. Did you vote for him? A. No, sir.

Q. Were you to work for him? A. Yes, sir.

Q. Did you work for him? A. Yes, sir.

Q. Did you get thirteen votes? A. I gave out thirteen pasters.

Q. What was the agreement when you gave them out? A. I told them to go there and they would get an envelope.

Q. The understanding was every man that voted for Mr. Lamont should get an envelope containing two dollars of Mr. L'Amoreaux the next morning? A. I don't know anything about the two dollars.

Q. You knew what was in the envelope? A. No; I knew afterwards.

Q. You understood it was money? A. Yes, sir.

Q. You gave them to understand they would get an envelope with something in it? A. Yes, sir.

Q. If they voted that ticket? A. Yes, sir.

Q. You put out thirteen of them? A. I think so.

Q. Did some of them tell you after they got the envelope?

Mr. DIMMICK.—To that we object.

Q. How many of them? A. I couldn't say how many.

Q. Did the majority of them?

Mr. DIMMICK.—We object to what they told him.

By Senator ENDRES:

Q. Who did you see that told you so? A. I couldn't think of all the names.

By Mr. O'NEIL:

Q. How many of the thirteen told you? A. I think four or five.

Q. Give us the names? A. I don't know that I can now.

By Senator ENDRES:

Q. How did you come to speak about it that they were to get any money? A. I didn't speak about it.

Q. How did they come to tell you? A. They told me what they got was all right.

Q. When? A. The next day.

Q. How long after they got this money before you saw them? A. Some of them got it in the forenoon and some in the afternoon.

Q. How many did you see that day? A. I saw three or four.

Q. Did you know the names of all the parties to whom you gave pasters to? A. Yes, sir.

Q. You can't recollect it who the fellows were twenty-four hours after? A. I couldn't recollect the whole thirteen.

Q. Give us the names of some you do recollect that claim they got this money after they had got it? A. Alvan Miller, Gus Bartholler; that is all I can think of.

Q. Only two? A. That is all.

Q. You saw at least four the day after election? A. Yes; I might have saw four or five.

Q. That is all you can remember? A. Yes, sir.

Q. You swore you knew the names of all the parties whom you gave pasters to the day before? A. Yes, sir.

By Mr. O'NEIL:

Q. You gave Fred. Low a Richardson pastar that day? A. Yes, sir.

Q. You know them intimately? A. Yes, sir.

Q. They told you the next morning they got two dollars? A. They got the envelope.

Q. It was all right? A. Yes, sir.

By Senator ENDRES:

Q. They said they got an envelope and it was all right? A. Yes, sir.

Q. Nothing said about how much money was in it? A. No, sir.

By Mr. WASHBURN:

Q. How many names were on those pasters; more than one? A. Yes, sir; the whole Democratic ticket.

Q. Did he say anything to you about working for Mr. Lamont in particular? A. He asked me that day.

Q. Did you distribute any pasters other than these; the whole Democratic ticket? A. No.

Q. Do you know how these thirteen men voted? A. No, sir; I do not.

Q. Don't know whether they voted the ticket you gave them or not? A. No, sir.

Q. They may have voted the full Republican ticket for all you know? A. For all I know.

By Mr. O'NEILL:

Q. They agreed to vote this ticket? A. Yes, sir.

Q. The Democratic ticket? A. Yes; that is what I give it to them for, and they said they would.

By Mr. TAYLOR:

Q. How did you vote? A. I voted the Republican ticket straight.

By Senator ENDRES:

Q. Did you ever get any money before for voting for anybody? A. I didn't get money for voting.

WILLIAM MINES, being duly sworn, testified as follows:

By Mr. O'NEILL:

Q. You live in Goshen, Orange county? A. Yes, sir.

Q. You lived there last fall? A. Yes, sir.

Q. Did you see Charles Low that day? A. Yes, sir.

Q. What was he doing? A. He was standing on the corner.

Q. What was he doing? A. Working.

Q. For who? A. I suppose for Mr. Lamont.

Q. Didn't he say so? A. Yes, sir.

Q. Did he give you a paster? A. Yes, sir.

Q. Was that a Lamont paster? A. Yes, sir.

Q. What was the arrangement; where were you to go after you voted the next day? A. To L'Amoreaux.

Q. And get what? A. An envelope.

Q. Did you go down there the morning after you voted? A. Yes, sir.

Q. What did you get? A. An envelope.

Q. What was in it? A. Two dollars.

Q. That was for voting that ticket, wasn't it? A. I don't know.

Q. You understood it when you got it from Mr. Low you were to get something? A. Yes, sir.

Q. You were to vote for Mr. Lamont and go down there and get this envelope? A. He didn't say anything about voting.

Q. You were to vote that paster and go down the next morning and get this envelope? A. He told me to bring a Republican paster out.

Q. You brought the Republican paster out? A. I got two of them.

Q. You brought one back? A. Yes, sir.

Q. Then you got your two dollars? A. Yes, sir.

Cross-examination:

By Mr. GARDNER:

Q. Do you know what ticket you voted that day? A. I do.

Q. Sure it is the Republican? A. Voted straight Republican ticket; always do.

Q. Who did you understand Low was working for that day? A. Lamont.

Q. You took the pasters from him? A. Yes, sir.

Q. You didn't vote the paster he gave to you? A. No, sir.

Q. The money that you got then you don't know where that money came from? A. No.

Q. For all you know it might come from Mr. Richardson? A. I am pretty sure it didn't.

Q. Was it given for a ticket you voted? A. I don't know what it was given for; it was left there for me and I went and got it.

Q. Or anybody else pasters Low speak to you about voting that day? A. No, sir; not that I remember.

Q. Sure? A. Pretty sure of it.

Q. What do you say? A. I know.

Q. Did you talk with Mr. Hock that day? A. Yes, sir.

Q. He wanted you to vote the Republican ticket, didn't he? A. He asked me if I had voted yet, and I told him no.

Q. He had pasters around that day? A. Yes, sir.

Q. He handed you one? A. Yes, sir.

Q. That is the one you voted? A. That is the one I voted.

Q. Where was Hock at the time he handed you that paster? A. In the hotel.

Q. Did you ever work for Hock? A. I work for him now.

Q. Were you working for him at that time? A. I was just working by the day for him.

Q. Did anybody else ask you to vote except Hock that day? A. No, sir; not that I know of.

Q. Hock was getting Republican votes that day as he does at all elections generally? A. I suppose he was.

Q. That envelope you got, you don't know whether Hock sent it to you or not, do you? A. I couldn't swear to it; I know he didn't.

Q. Can you read and write? A. Yes, sir.

Q. How do you know he didn't? A. I don't why, but I know he didn't.

Q. Did he tell you he didn't? A. No, sir; he didn't.

Q. Did anyone tell you he didn't? A. No, sir.

Q. How do you know then he didn't? A. Because it was Democratic headquarters, and I know he wouldn't send money there.

Q. From the evidence as given to-night, we should think it was Republican headquarters; weren't you subpoenaed to come here to Albany? A. Yes, sir.

Q. By the Democrats and for the Democrats? A. I suppose so.

Q. Mr. Wager subpoena you? A. I guess he is the man.

Q. What did you do with the paper? A. I read it and threw it in the waste basket.

Q. You told him you wouldn't come, didn't you? A. I don't know whether I did or not.

Q. You didn't obey the subpoena; didn't come up here? A. No, sir.

Q. You had a little talk with Hock about it? A. No, sir; I didn't.

Q. Never said anything to Hock about it? A. All I said to him I had a subpoena, and I would have to go to Albany I suppose.

Q. What did he say? A. He asked me if they left me any money to come.

Q. You told him no? A. Yes, sir.

Q. Then what did he say? A. He asked me how I was going to get here, and I told him I didn't know.

Q. Did he tell you you could stay at home? A. No, sir.

Q. He was the one that told you you needn't come unless they left you money?

Mr. O'NEIL. — He didn't say that.

By Mr. HIRSCHBERG:

Q. Wasn't L'Amoreaux and Hock on bad terms? A. I don't know.

Q. You never saw them together? A. No, sir.

Q. L'Amoreaux is a Democrat? A. I don't know.

Q. He was a Democratic worker that day? A. Yes, sir.

Q. And was at Democratic headquarters? A. Yes, sir.

Q. You were to bring out a Republican paster from the polls? A. I wasn't to bring it from the polls, I was to give them a Republican paster.

Q. When you got there you were to give up to L'Amoreaux a Republican paster? A. Yes, sir.

Q. That paster you got from Mr. Hock? A. Yes, sir.

Q. You had two? A. Yes, sir.

Q. One you voted and one you could produce at Democrat headquarters and get your envelope? A. Yes, sir.

By Mr. O'NEIL:

Q. You produced it to L'Amoreaux as a voucher to prove you hadn't voted it? A. Yes, sir.

Q. And he gave you an envelope with the two dollars in it? A. The next day.

Q. You knew very well Charles Low was working for Mr. Lamont that was well understood? A. Yes, sir.

Q. When he gave you this paster he told you so, that was a Lamont paster, and he wanted you to vote for Lamont? A. I could read for myself.

Q. Didn't he say if you went and voted that and brought back the Republican paster to L'Amoreaux you would get an envelope? A. He didn't say nothing about that; he said to take that paster and bring a Republican paster, and the next day I would get an envelope to L'Amoreaux's.

Q. And you went there and got it? A. Yes, sir.

Q. You done as he told you to? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. You had two Republican pasters? A. Yes, sir.

By Mr. DIMMICK:

Q. The promise you were to get an envelope the next day didn't influence your voting? A. No, sir.

Q. It wasn't on account of receiving this envelope that you voted the Republican pasters? A. No; I always vote the Republican.

By Mr. TAYLOR:

Q. Did you get any money for voting the Republican ticket? A. No, sir.

Q. Never got any money for voting the Republican ticket? A. I don't know whether I did or not.

By Mr. WASHBURN:

Q. Who gave you this paster, Mr. Low? A. Yes, sir.

Q. Did he say anything to you about voting for Mr. Lamont in particular? A. No.

Q. Did he say anything about Mr. Lamont? A. He said that was a Democratic paster.

Q. Did he say anything about Mr. Lamont? A. He said he was working for Mr. Lamont.

By Senator ENDRES:

Q. Was it a single one or one of those long pasters? A. A full Democrat paster.

By Mr. O'NEIL:

Q. You could read and write? A. Yes, sir.

Q. Lamont's name was on it? A. Yes, sir.

JAMES GREEN, being duly sworn, testified as follows:

Q. You lived in Goshen at the last fall election? A. Yes, sir.

Q. Do you know Charles Low? A. Yes, sir.

Q. What was he doing last fall at the election? A. I suppose he was electioneering.

Q. Who for? A. Mr. Lamont.

Q. Did you see him on that day? A. I did.

Q. Have a talk with him? A. No; didn't have any particular conversation with him.

Q. Did you get a paster of him? A. Yes, sir.

Q. What was said at the time? A. He told me if I would vote that and produce a Republican paster Mr. L'Amoreaux would see me.

Q. He was working for him? A. I suppose working for Lamont.

Q. Did he say he was? A. He didn't tell me so.

Q. What kind of a ticket was it he gave you? A. Full Democrat ticket.

Q. Who was Mr. L'Amoreaux working for? A. I don't know he was working at all.

Q. He was distributing money? A. Not as I know of exactly.

Q. Did you go there the next morning? A. I did.

Q. What did you get? A. He asked me if my name was Green; I told him yes; he handed me an envelope.

Q. What was in it, anything? A. Two dollars in it.

Q. You didn't hand it back to him? A. No; I didn't have no occasion.

Cross-examination :

By Mr. GARDNER:

Q. When the paster was handed to you, you didn't go and vote it?

A. The Democrat paster?

Q. Yes? A. No, sir.

Q. You voted the Republican ticket that day? A. I think I did.

Q. You know you did? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. How did you have the Republican paster to hand to Mr. L'Amoreaux? A. Because Mr. Hock gave me two of them.

Q. So you could have one to go and show L'Amoreaux? A. He didn't know anything about me and L'Amoreaux.

Q. That is what you did do? A. I didn't show Mr. L'Amoreaux none.

Q. How did you get the envelope? A. I showed the paster to Mr. Low.

Q. The man you got it from? A. Yes, sir.

Q. After you voted you returned a Republican paster to him?
A. Yes, sir.

Q. You had two? A. Yes, sir.

Q. So you could vote one and have one to show? A. Yes, sir.

By Mr. DIMMICK:

Q. You got those two of Hock? A. Yes, sir.

By Mr. HIRSCHBERG:

Q. He didn't know but you got one; Low didn't know you got two?
A. No, sir.

By Mr. WASHBURN:

Q. Did Hock give you any money? A. No, sir.

Q. Promise you any money? A. No, sir.

Q. Did you get any money from anybody else except Mr. L'Amoreaux? A. I have after election and before.

Q. For voting one of the two Republican pasters? A. Not for voting exactly as I know.

Q. What was said after he gave you the money? A. I am ignorant of that.

Q. Didn't some one give you money for something concerning election other than Mr. L'Amoreaux; was L'Amoreaux the only man from whom you received money for what you did on election day? A. I don't know what you mean.

Q. Did anybody else give you any money at last fall election but these two dollars you got from L'Amoreaux? A. No, sir.

Q. You got no other money that election but those two dollars?
A. No, sir.

Q. On election day? A. No, sir.

Q. Or the day afterwards? A. No, sir.

Q. You didn't get any money for voting the paster Mr. Hock gave you? A. I didn't get any money for voting that paster as I know of.

Q. Wouldn't you know it? A. Not exactly.

Q. That infers they gave you money for something concerning the election? A. I can get money off of Mr. Hock most any time I ask him for it.

Q. You repay it by voting as he wants you to vote? A. That is, if he wants me to vote a Republican ticket.

Q. If he asked you to vote a Democrat ticket you wouldn't do it?
A. I might.

Q. If you could get money from him? A. I might.

Q. Isn't it a fact you got money from somebody else besides Mr. L'Amoreaux? A. I got money, certainly.

Q. For what you did on election day; did you do any work around the polls on election day? A. No, sir.

Q. Did you get any money for anything connected with the election either on election day? A. I got some money after election.

Q. From whom? A. From Mr. Hock.

Q. How soon after election? A. I forget whether the day after or two days after.

Q. How much was it? A. Three dollars.

Q. Didn't you get the three dollars for voting one of these two Republican pastors? A. I don't know.

Q. Did Mr. Hock tell you what he gave you the money for? A. No, sir.

Q. Had you done any work for him at that time? A. No.

Q. Was there any reason aside from that voting why he should give you the three dollars? A. No.

By Mr. O'NEILL:

Q. Was there any agreement with Mr. Hock you would get any money for voting? A. No.

Q. You frequently borrow money of Hock? A. Yes, sir.

Q. Before election and times intervening between election? A. Yes, sir.

Q. You went there and borrowed three dollars of him?

Mr. WASHBURN.—I object to it.

Q. Did you ask Hock for the three dollars? A. Not at that time.

Q. Where did you get it? A. I was in the saloon.

Q. What saloon? A. Of his hotel.

Q. Did you ask him for it? A. No, sir.

Q. How did he come to give it to you? A. He told me he wanted to see me there.

Q. He hadn't promised you any money? A. No, sir.

By Mr. DIMMICK:

Q. He told you that on election day? A. No; he did not.

Q. That he wanted to see you the day after election? A. No, sir.

By Mr. WASHBURN:

Q. You didn't borrow that three dollars? A. No, sir.

By Senator ENDRES:

Q. Did he owe you any money? A. No, sir.

Q. He still gave you the three dollars? A. Yes, sir.

Q. Is he accustomed to giving you three dollars or two dollars?

A. He is when I ask him for it.

Q. He don't give it to you without telling you what it is for? A. No, sir.

SAMUEL RANSOM, being duly sworn, testified as follows:

By Mr. O'NEIL:

Q. Where do you live? A. Goshen.

Q. You lived there at the last general election? A. I was born there.

Q. Did you vote there? A. Yes, sir.

Q. Did you get a paster of Charles Low? A. I did.

Q. Who was he working for? A. For Lamont.

Q. And the Democratic ticket? A. I believe so.

Q. Specially for Lamont? A. Yes, sir.

Q. Do you know a man named L'Amoreaux? A. Yes, sir.

Q. When you received this paster of Low was there any understanding what you should do? A. I believe he told me there would be something there for me after I voted.

Q. Where? A. To L'Amoreaux.

Q. Was L'Amoreaux a Democrat or was he working for Lamont? A. I don't know.

Q. He gave you this paster? A. Yes, sir.

Q. Did you go to L'Amoreaux the next day? A. I did.

Q. Did you get anything? A. Yes, sir.

Q. What did you get? A. An envelope.

Q. What was in it? A. Two dollars.

Cross-examined:

By Mr. GARDNER:

Q. Did you vote the paster that was given you? A. I did.

Q. What paster was it that you voted, Democratic or Republican ticket? A. Republican ticket.

Q. Republican paster? A. Yes, sir.

Q. You had a paster given to you besides Low that day; somebody else gave you a paster? A. Yes, sir.

Q. Who was it? A. Mr. Hock give me a paster.

Q. It was the one Hock gave you voted? A. Yes, sir.

Q. Did Hock owe you anything? A. No, sir.

Q. You saw Hock the next day after election? A. No, sir.

Q. Saw him after you had voted? A. I seen him; yes, sir.

Q. He loan you some money? A. No, sir.

Q. Did he pay you any? A. No, sir.

Q. Did you owe him anything? A. No, sir.

Q. What did he say to you when he gave you the paster? A.

Asked me if I had voted yet; I told him not; he asked me if I was going to vote; I told him I thought I would.

Q. Did he say what you could get if you voted? A. No, sir; he didn't mention nothing of the kind, what I would get.

Q. You can write? A. Yes, sir; a little.

Q. Do you know Henry Hamans, from Newburgh? A. No, sir; I do not.

Q. Were you ever in Wyker's office? A. No, sir.

Q. You voted the Republican ticket? A. Yes, sir.

Q. You don't know who this money came from? A. No, sir.

Q. As far as you know it may have been handed to this man by Hock? A. That I couldn't say.

Q. Did anybody else besides Hock offer you anything? A. No, sir; Hock didn't offer me anything.

Q. Didn't get any money except what was in the envelope? A. That is all I got.

Q. Did you have any money, two or three dollars, after election? A. Only what I worked for.

Q. Who did you work for? A. Reed & Kelsey.

By Senator ENDRES:

Q. How many times have you voted? A. This makes a second time; last fall.

Q. Did you ever get any money before? A. No, sir.

Q. That is the first time you ever got money after you got through voting? A. No, sir.

Q. Simply told to go there and get it, and you went there and there was an envelope there with two dollars in? A. Yes, sir.

Q. Never said what it was given for? A. No, sir.

By Mr. FULLER:

Q. Do you know what kind of a paster Low gave you? A. I ain't sure.

By Mr. WASHBURN:

Q. How many names on it; more than one on it? A. Yes, sir.

Q. Did Mr. Low say anything to you about Mr. Lamont? A. No, sir.

Q. How many paster ballots did Mr. Hock give you? A. One.

Q. You voted that one? A. Yes, sir.

Q. You didn't get any money for voting it at any time? A. No, sir.

Mr. O'NEIL.—That is all the witnesses we have here.

Senator ENDRES.—On consultation with Mr. Roesch in regard to this printed letter handed up to the committee, and was received by the committee or the member of the committee that was here at the

time for consideration by the majority of the committee or the committee itself, the majority of the committee have decided the objection raised by the contestant, that the letter was immaterial were well taken and it is excluded; also, the decision is the same in the case of the letter which was introduced here from the warden of the state prison in Michigan.

Mr. HIRSCHBERG.—We except to the ruling in each case. We presume the committee will report the testimony to the senate so they can review that decision if necessary.

Senator ENDRES.—Certainly.

Mr. HIRSCHBERG.—We offer in evidence the state board of canvassers' canvass of the votes of the thirteenth senatorial district, which are a matter of record here in the State archives, and the result of which we can use in our briefs and make a tabulated statement from it, showing a majority of 607 in the two counties for Mr. Richardson.

Senator ENDRES.—No objection to that?

Mr. GARDNER.—No, sir.

Mr. HIRSCHBERG.—We also offer in evidence a certificate filed by Mr. Lamont, of his expenses under the law, with the secretary of state; we offer the original certificate which he signed and filed. I have here a copy received from the office of the secretary of state.

Senator ENDRES.—No objection to that.

Mr. GARDNER.—We do not object to it.

STATE OF NEW YORK, }
COUNTY OF ORANGE. } ss.:

Pursuant to the laws of 1890, State of New York, I, C. Fred Lamont, having been a candidate at the recent general election for the office of state senator in the thirteenth senatorial district of this state, do hereby make the following itemized statement showing in detail all the moneys contributed or expended, directly or indirectly, by myself, or to my knowledge through any other person in aid of my election, together with the various person or persons who received said moneys; the specific nature of each item, and the purpose for which it was expended or contributed, as follows :

Assessment Democratic county committee.....	\$500 00
Postage and circulars	375 00
Traveling and incidental expenses (estimated)	700 00
Total	<u>\$1,575 00</u>

(Signed.) C. FRED LAMONT.

STATE OF NEW YORK, }
COUNTY OF ORANGE. } ss.:

C. Fred Lamont, being duly sworn, says that the foregoing statement by him subscribed is true.

(Signed.)

C. FRED LAMONT.

Sworn to before me, this }
12th day of November, 1891. }

W. H. WYKER,

Justice of the Peace.

Mr. HIRSCHBERG.—If we wish to compare the vote of Mr. Richardson and Lamont with the gubernatorial vote I would like to have it appear.

Mr. DIMMICK.—It is in evidence now; you can use that.

Mr. HIRSCHBERG.—I offer in evidence a certified statement from the clerk of Orange county.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF CHESTER.

Governor (total)	88
Flower	61
Fassett	26
Bruce	1
DeLeon	..
Senator (total)	88
Lamont	65
Richardson	21
Seely	1
Blank	1
L. plurality, 44.	
Justice of Sessions (total)	88
Stevens	61
Bull	26
Talbott	1
Blank	..

Memoranda of ballots attached:

Straight Democratic	60
Straight Republican	20
Straight Prohibition	1
Straight Labor	..
Split tickets	7

Names of inspectors: E. M. Dolson, S. L. Conklin, A. Knapp.

Remarks.

The Prohibition ballot attached is a sample ballot.

The Republicans' splits is on a sample ballot.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT OF
THE — OF THE TOWN OF CHESTER.

Governor (total)	182
Flower	92
Fassett	86
Bruce	2
De Leon	2
Senator (total)	180
Lamont	93
Richardson	85
Seely	2
Blank	..

L. plurality 48.

Justice of Sessions	180
Stevens	92
Bull	86
Talbott	2
Blank	..

Memoranda of ballots attached:

Straight Democrat	85
Straight Republican	81
Straight Prohibition	2
Straight Labor	2
Split tickets	12

Names of inspectors: B. Cullen, Jr., Henry C. Duryea, R. P. Conklin.

Remarks.

The 12 split ballots are written on a sample ballot upon which is indorsed the words in pencil, "Copy of sample ballot."

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF CRAWFORD.

Governor (total).....	208
Flower	119
Fassett	81
Bruce	7
De Leon.....	0
Blank	1

Senator (total).....	208
Lamont.....	122
Richardson	78
Seely.....	6
Blank	2

L. plurality 44.

Justice of Sessions (total)	208
Stevens.....	119
Bull.....	82
Talbott	7
Blank	0

Memoranda of ballots attached:

Straight Democrat	119
Straight Republican	82
Straight Prohibition	7
Straight Labor	0
Split tickets.....	0

Ballots trimmed.

Names of Inspectors: Nathan M. Rumpf, Ira Van Kleeck, Samuel J. Anderson.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT OF
THE — OF THE TOWN OF CRAWFORD.

Governor (total).....	221
Flower	128
Fassett	79
Bruce	11
DeLeon	3

Senator (total)	219
Lamont	137
Richardson	72
Seely	10
Blank	0

L. plurality 65.

Justice of Sessions (total)	218
Stevens	129
Bull	78
Talbott	11
Blank	0

Memoranda of ballots attached:

Straight Democratic	126
Straight Republican	65
Straight Prohibition	10
Straight Labor	0
Split tickets	0

Names of inspectors: J. H. Wallace, John Woodward, S. R. Whitten.

Remarks.

Apparent discrepancy of twenty votes.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF DEERPARK.

Governor (total)	127
Flower	71
Fassett	47
Bruce	9
DeLeon	0

Senator (total)	127
Lamont	71
Richardson	47
Seely	9
Blank	0

L. plurality 24.

Justice of Sessions (total).....	127
Stevens	71
Bull.....	47
Talbott	9
Blank	0

Memoranda of ballots attached:

Straight Democrat.....	53
Straight Republican	43
Straight Prohibition	5
Straight Labor	0
Split tickets	0

Ballots trimmed.

Names of inspectors: Elisha R. Case, James Mitchell, Stoddard Gordon.

Remarks.

Apparent discrepancy of 26 votes.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE — OF THE TOWN OF DEERPARK.

Governor (total).....	196
Flower	110
Fassett	82
Bruce	2
DeLeon	2

Senator (total).....	196
Lamont.....	110
Richardson	82
Seely	2
Blank	2

L. plurality 28.

Justice of Sessions (total).....	196
Stevens.....	113
Bull.....	79
Talbott.....	2
Blank	2

Memoranda of ballots attached:

Straight Democratic	77
Straight Republican	64
Straight Prohibition*	0
Straight Labor*	0
Split tickets	51

Names of inspectors: J. M. Gillson, Frank Patterson, Harvey N. Dean.

*Written. *Two prohibition tickets voted that we have not got to put on this canvass sheet and also two labor tickets.

MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT
OF THE — OF THE TOWN OF DEERPARK.

Governor (total)	204
Flower	133
Fassett	62
Bruce	5
DeLeon	4

Senator (total)	201
Lamont	134
Richardson	63
Seely	4
Blank	0

L. plurality 71.

Justice of Sessions (total)	200
Stevens	132
Bull	64
Talbott	4
Blank	0

Memoranda of ballots attached:

Straight Democratic	133
Straight Republican	62
Straight Prohibition	5
Straight Labor	4
Split tickets	0

Names of inspectors: Cornelius H. Vanaken, Jno. J. Casey, Morris F. Wehner.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIFTH ELECTION DISTRICT
OF THE — OF THE TOWN OF DEERPARK.

Governor (total).....	222
Flower	172
Fassett	43
Bruce	2
DeLeon	5
Senator (total).....	217
Lamont.....	174
Richardson	41
Seely	2
Blank	0

L. plurality 133.

Justice of sessions (total)	216
Stevens.....	171
Bull.....	43
Talbott	2
Blank	0

Memoranda of ballots attached:

Straight Democrat	172
Straight Republican.....	43
Straight Prohibition	2
Straight Labor	5
Split tickets.....	0

Names of inspectors: John H. Beirne, J. D. Lyons, C. D. Frazel.

MEMORANDA OF STATEMENT OF CANVASS IN THE SIXTH ELECTION DISTRICT
OF THE — OF THE TOWN OF DEERPARK.

Governor (total).....	235
Flower	148
Fassett	85
Bruce	1
DeLeon	1

Senator (total)	233
Lamont	145
Richardson	87
Seely	1
Blank	0

L. plurality 58.

Justice of Sessions (total).....	233
Stevens	146
Bull	87
Talbott	0
Blank	0

Memoranda of ballots attached:

Straight Democratic	148
Straight Republican	85
Straight Prohibition	1
Straight Labor	1
Split tickets	0

Names of inspectors: Stephen Clune, Geo. W. Case, John J. Feldman.

MEMORANDA OF STATEMENT OF CANVASS IN THE NINTH ELECTION DISTRICT
OF THE — OF THE TOWN OF DEERPARK.

Governor (total).....	328
Flower	202
Fassett	116
Bruce	3
DeLeon.....	7

Senator (total).....	323
Lamont.....	202
Richardson	118
Seely	3
Blank	0

C L. plurality 84.

Justice of Sessions (total)	323
Stevens	202
Bull	118
Talbott	3
Blank	0

Memoranda of ballots attached:

Straight Democrat	202
Straight Republican	116
Straight Prohibition	3
Straight Labor	7
Split tickets	0

Names of inspectors: Patrick Burns, Harry E. Snook, Bernard Morman.

MEMORANDA OF STATEMENT OF CANVASS IN THE TENTH ELECTION DISTRICT
OF THE — OF THE TOWN OF DEERPARK.

Governor (total)	146
Flower	81
Fassett	56
Bruce	7
DeLeon	2
Senator (total)	144
Lamont	84
Richardson	53
Seely	7
Blank	0

L. plurality 31.

Justice of sessions (total)	144
Stevens	80
Bull	57
Talbott	7
Blank	0

Memoranda of ballots attached:

Straight Democrat	55
Straight Republican	46
Straight Prohibition	6
Straight Labor	2
Split tickets	0

Names of inspectors: R. A. Conkling, John Eaton and Theodore Hoffman.

Remarks.

Apparent discrepancy of 37 ballots.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIFTH ELECTION DISTRICT
OF THE — OF THE TOWN OF GOSHEN.

Governor (total)	185
Flower	100
Fassett	73
Bruce	11
DeLeon	1

Senator (total)	185
Lamont	98
Richardson	75
Seely	11
Blank	1

L. plurality 23.

Justice of Sessions (total)	185
Stevens	99
Bull	74
Talbott	11
Blank	1

Memoranda of ballots attached:

Straight Democratic	100
Straight Republican	73
Straight Prohibition	11
Straight Labor	1
Split tickets	0

Names of inspectors: Daniel Carpenter, J. E. Millspaugh and J. J. Poppino.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF GREENVILLE.

Governor (total).....	183
Flower	139
Fassett	41
Bruce	2
DeLeon	1
Senator (total)	182
Lamont.....	141
Richardson	39
Seely	2
Blank	0

L. plurality 102.

Justice of Sessions (total)	182
Stevens	138
Bull	42
Talbott	2
Blank	0

Memoranda of ballots attached:

Straight Democrat.....	139
Straight Republican	41
Straight Prohibition	1
Straight Labor.....	2
Split tickets.....	0

Names of inspectors: C. L. Doty, C. C. Stranaburg, C. D. Ferguson.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF HAMPTONBURGH.

Governor (total).....	261
Flower	137
Fassett	118
Bruce	4
DeLeon	2

Senator (total)	261
Lamont	136
Richardson	118
Seely	4
Blank	3

L. plurality 18.

Justice of Sessions (total)	261
Stevens	137
Bull.	118
Talbott	4
Blank	2

Memoranda of ballots attached:

Straight Democrat	137
Straight Republican	118
Straight Prohibition	4
Straight Labor	2
Split tickets	*0

Names of inspectors: George M. Pierson, W. M. Thompson, John E. Watkins.

Remarks.

Attached is affidavit of inspectors. This return was corrected and that the difference was caused by not adding the *split ballots with the whole number of straight ballots.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE FIRST WARD OF THE CITY OF MIDDLETOWN.

Governor (total)	182
Flower	95
Fassett	71
Bruce	14
DeLeon	1
Blank	1

Senator (total)	182
Lamont	91
Richardson	75
Seely	14
Blank	2

L. plurality, 16.

Justice of Sessions (total).....	182
Stevens.....	93
Bull.....	71
Talbott.....	14
Blank.....	4

Names of inspectors: Robt. J. Lecmon, Cornelius J. Burhans, John John R. Skelton.

Remarks.

They are attached: Straight Democratic ballots, straight Republican, straight Prohibition and straight Labor, and the number of votes given for each is written in full opposite each name.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT OF
THE SECOND WARD OF THE CITY OF MIDDLETOWN.

Governor (total).....	276
Flower.....	141
Fassett.....	115
Bruce.....	14
DeLeon.....	6
Senator (total).....	276
Lamont.....	133
Richardson.....	123
Seely.....	13
Blank.....	7

L. plurality 10.

Justice of Sessions (total).....	276
Stevens.....	136
Bull.....	119
Talbott.....	14
Blank.....	7

Memoranda of ballots attached:

Straight Democratic.....	139
Straight Republican.....	118
Straight Prohibition.....	14
Straight Labor.....	5
Split tickets.....	0

Names of inspectors: J. R. A. Taylor, J. P. Craus, B. C. Woodward.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE THIRD WARD OF THE CITY OF MIDDLETOWN.

Governor (total).....	247
Flower	128
Fassett	111
Bruce	4
DeLeon	4

Senator (total)	247
Lamont.....	127
Richardson	112
Seely.....	4
Blank	4

L. plurality 15.

Justice of Sessions (total).....	247
Stevens.....	128
Bull.....	97
Talbott.....	4
Blank	18

Memoranda of ballots attached:

Straight Democrat	102
Straight Republican	78
Straight Prohibition	4
Straight Labor	4
Split tickets.....	0

Names of inspectors: J. W. Canfield, Dan H. Bailey, J. M. Garland.

Remarks.

Apparently a discrepancy of fifty-nine ballots.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF MINISINK.

Governor (total).....	282
Flower	176
Fassett	103
Bruce	3
DeLeon	0

Senator (total)	282
Lamont.....	170
Richardson	107
Seely	3
Blank	2

L. plurality 63.

Justice of Sessions (total)	282
Stevens	175
Bull	103
Talbott.....	3
Blank	1

Memoranda of ballots attached:

Straight Democrat	176
Straight Republican	103
Straight Prohibition	3
Straight Labor	0
Split tickets.....	0

Names of inspectors: Caleb Clark, Isaac E. Toland, Geo. P. Brinkerhoff.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF MONROE.

Governor (total).....	269
Flower	135
Fassett	128
Bruce	4
DeLeon.....	2

Senator (total).....	267
Lamont.....	141
Richardson	123
Seeley	3
Blank	0

L. plurality 18.

Justice of Sessions (total)	265
Stevens	136
Bull	124
Talbott	5
Blank	0

Memoranda of ballots attached :

Straight Democratic	107
Straight Republican	101
Straight Prohibition	2
Straight Labor	2
Split tickets	57

Names of inspectors : E. H. Welling, John D. Carver, Horace Swezey.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF MONROE.

Governor (total)	121
Flower	70
Fassett	43
Bruce	5
DeLeon	3

Senator (total)	119
Lamont	81
Richardson	33
Seely	5
Blank	0

L. plurality 48.

Justice of Sessions (total)	117
Stevens	72
Bull	40
Talbott	5
Blank	

Memoranda of ballots attached:

Straight Democratic	67
Straight Republican	30
Straight Prohibition	5
Straight Labor	3
Split tickets	

Names of inspectors: Eugene D. Stokem, Wm. R. DeWitt, Samuel G. Bush.

Remarks.

There seems to be a discrepancy of sixteen tickets.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE FIRST WARD OF THE CITY OF NEWBURGH.

Governor (total)	257
Flower	141
Fassett	106
Bruce	8
DeLeon	1
Blank	1

Senator (total)	257
Lamont	144
Richardson	103
Seely	8
Blank	2

L. plurality 41.

Justice of Sessions (total)	257
Stevens	140
Bull	108
Talbott	8
Blank	1

Memoranda of ballots attached:

Straight Democrat	141
Straight Republican	107
Prohibition	8
Labor	1
Split tickets	0

Names of inspectors: W. H. Ryan, A. J. Hutchison, E. A. Brennan.

Remarks.

Statement of inspector states, that they had collected the returns by combining the writing of the statement of the number of votes cast for each ticket, from the ticket itself to the return sheet proper.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE FIRST WARD OF THE CITY OF NEWBURGH.

Governor (total).....	281
Flower	181
Fassett	92
Bruce	6
DeLeon	2
Senator (total).....	281
Lamont.....	198
Richardson	80
Seely.....	3
Blank	0

L. plurality 118.

Justice of Sessions (total)	281
Stevens	201
Bull.....	76
Talbott	3
Blank	1

Memoranda of ballots attached :

Straight Democrat.....	180
Straight Republican	92
Straight Prohibition	6
Straight Labor	2
Split tickets.....	1

Names of inspectors: Samuel J. Hewitt, John J. Perrott, Daniel S. O'Neill.

Remarks.

Affidavit of inspector attached; setting forth that they had added one vote on Governor by adding blank vote.

MEMORANDA OF STATEMENT OF CANVASS IN THE SIXTH ELECTION DISTRICT OF
THE FIRST WARD OF THE CITY OF NEWBURGH.

Governor (total).....	276
Flower	146
Fassett	117
Bruce	7
De Leon.....	5
Blank.....	1

Senator (total).....	276
Lamont.....	143
Richardson.....	120
Seely.....	6
Blank.....	7

L. plurality 23.

Justice of Sessions (total).....	276
Stevens.....	146
Bull.....	119
Talbott.....	6
Blank.....	5

Memoranda of ballots attached:

Straight Democrat.....	146
Straight Republican.....	117
Straight Prohibition.....	7
Straight Labor.....	5
Split tickets.....	0

Names of inspectors: Thomas Gilleran, Jonathan Taylor, John V. Hayes.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIFTH ELECTION DISTRICT
OF THE SECOND WARD OF THE CITY OF NEWBURGH.

Governor (total).....	242
Flower.....	117
Fassett.....	114
Bruce.....	9
DeLeon.....	2

Senator (total).....	242
Lamont.....	116
Richardson.....	114
Seely.....	9
Blank.....	3

L. plurality 2.

Justice of Sessions (total)	24
Stevens	11
Bull	11
Talbott	
Blank	

Memoranda of ballots attached :

Straight Democrat	9
Straight Republican	9
Straight Prohibition	
Straight Labor	
Split tickets	3

Names of inspectors: William E. Tibbs, Charles E. Griffith, John E. O'Grady.

Remarks.

Affidavit attached stating that 39 split ballots were voted and returned to the county clerk.

MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT OF
THE FOURTH WARD OF THE CITY OF NEWBURGH.

Governor (total)	10
Flower	5
Fassett	4
Bruce	
DeLeon	
Senator (total)	9
Lamont	5
Richardson	4
Seely	
Blank	

L. plurality, 12.

Justice of Sessions (total)	9
Stevens	5
Bull	4
Talbott	
Blank	

Names of inspectors: Michael J. Carboy, Alfred L. Many, John H. McAllister.

Remarks.

No ballots attached. Affidavit of John H. McAllister states that ballots were not attached because they deemed it unnecessary, as the statement filed with the county clerk had the ballots attached, and refers to that statement.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE ——— OF THE TOWN OF NEWBURGH.

Governor (total).....	217
Flower	113
Fassett	95
Bruce	8
DeLeon	1
Senator (total)	216
Lamont.....	114
Richardson.....	94
Leely.....	8
Blank	0

L. plurality, 20.

Justice of Sessions (total)	216
Stevens	111
Bull	97
Albott	8
Blank	0

Memoranda of ballots attached:

Straight Democrat	88
Straight Republican	94
Straight Prohibition	7
Straight Labor	1
Split tickets.....	27

Names of inspectors: C. H. Baumes, C. H. Koch, Wm. H. McConnell.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE ——— OF THE TOWN OF NEW WINDSOR.

Governor (total).....	203
Flower	129
Fassett	68
Bruce	5
DeLeon	1

Senator (total)	20
Lamont	12
Richardson	6
Seely	1
Blank	1

L. Plurality 60.

Justice of Sessions (total)	20
Stevens	12
Bull	6
Talbott	1
Blank	1

Names of inspectors: John K. Still, Joseph C. Bayley, E. R. Walsh

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE — OF THE TOWN OF NEW WINDSOR.

Governor (total)	94
Flower	46
Fassett	41
Bruce	8
DeLeon	1

Senator (total)	94
Lamont	50
Richardson	40
Seely	8
Blank	1

L. plurality 10.

Justice of Sessions (total)	94
Stevens	46
Bull	41
Talbott	8
Blank	1

Names of inspectors: William C. Giles, Alexander E. Morrison
Knox Getty.

**MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF WALLKILL.**

Governor (total).....	208
Flower	98
Fassett	106
Bruce	2
DeLeon.....	2
Senator (total).....	206
Lamont.....	102
Richardson	102
Seely	2
Blank	0
Justice of Sessions (total).....	205
Stevens.....	96
Bull.....	107
Talbott	2
Blank	0

Memoranda of ballots attached:

Straight Democrat.....	98
Straight Republican	106
Straight Prohibition	2
Straight Labor.....	2
Split tickets.....	0

Names of inspectors: C. W. Hoyt, W. S. Gillen, C. E. Gardner.

**MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF WARWICK.**

Governor (total).....	261
Flower	182
Fassett	72
Bruce	4
DeLeon.....	3

Senator (total)	259
Lamont	186
Richardson	69
Seely	4
Blank	0

L. plurality 117.

Justice of Sessions (total)	260
Stevens	184
Bull	72
Talbott	4
Blank	0

Memoranda of ballots attached:

Straight Democrat	171
Straight Republican	63
Straight Prohibition (on sample ballots)	2
Straight Labor (on sample ballots)	3

Names of inspectors: John W. Vealey, E. D. Waterbury, John O. Edsall.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF WARWICK.

Governor (total)	275
Flower	145
Fassett	126
Bruce	3
DeLeon	1

Senator (total)	275
Lamont	147
Richardson	123
Seely	4
Blank	1

L. plurality 24.

Justice of Sessions (total)	275
Stevens	147
Bull	124
Talbott	4
Blank	0

Memoranda of ballots attached:

Straight Democrat	136
Straight Republican	101
Straight Prohibition	3
Straight Labor	0
Split tickets	35

Names of inspectors: Chas. E. Schultz, J. O. Goble, T. M. Van Brunt.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIFTH ELECTION DISTRICT
OF THE — OF THE TOWN OF WARWICK.

Governor (total)	115
Flower	57
Fassett	52
Bruce	4
De Leon	2
Senator (total)	115
Lamont	56
Richardson	53
Seely	4
Blank	2

L. plurality 3.

Justice of Sessions (total)	115
Stevens	57
Bull	52
Talbott	4
Blank	2

Memoranda of ballots attached:

Straight Democrat	57
Straight Republican	52
Straight Prohibition	4
Straight Labor	2
Split tickets	

Names of inspectors: Alexander Neely, William N. Hazen, John Hallock, Jr.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE SECOND WARD OF THE TOWN OF WAWAYANDA.

Governor (total).....	140
Flower	71
Fassett	63
Bruce	5
DeLeon.....	1
Senator (total).....	140
Lamont	73
Richardson	60
Seely	5
Blank	2

L. plurality 13.

Justice of Sessions (total)	140
Stevens.....	71
Bull.....	63
Talbott	5
Blank	1

Memoranda of ballots attached:

Straight Democrat	61
Straight Republican	51
Straight Prohibition	5
Straight Labor	1
Split tickets	22

Names of inspectors: John J. Bradley, R. C. Mead and Emmett A. Wickham.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF WAWAYANDA.

Governor (total).....	212
Flower	118
Fassett	86
Bruce	6
DeLeon.....	2

Senator (total).....	212
Lamont.....	115
Richardson	88
Seeley	6
Blank	3

L. plurality 27.

Justice of Sessions (total)	212
Stevens	118
Bull	86
Talbott	6
Blank	2

Memoranda of ballots attached:

Straight Democrat.....	109
Straight Republican	82
Straight Prohibition	6
Straight Labor	
Split tickets.....	

Names of inspectors: Charles C. Fullerton, John R. Tryon and George A. McBride.

Remarks.

One straight Democrat ballot with Henry M. Howell for member of assembly attached with yellow paster; one straight Republican ballot with the name of John Corwin erased; two Labor tickets attached in sample ballots; one Democrat with H. M. Howell; one Democrat with C. Fred Lamont erased; one Democrat with William P. Richardson paster for senator; one Republican ballot with G. W. Sayer for sheriff; one Democrat with Abram L. Decker, coroner, yellow paster; one Republican ballot with George W. Walker; one Republican with C. Fred Lamont, yellow paster; one Democrat ballot with Abraham L. Decker for coroner; one Democrat ballot with William P. Richardson and Joseph K. Alexander, with yellow pasters; one Democrat ballot with Abraham L. Decker.

STATE OF NEW YORK, }
 ORANGE COUNTY CLERK'S OFFICE. } ss.:

I, William G. Taggart, clerk of Orange county, do hereby certify that the foregoing are true extracts from the returns of inspectors of election, filed in my office on the 16th day of November, 1891, for the following districts: Second district of Wawayanda; first district of Wawayanda; fifth district of Warwick; second district of Warwick;

first district of Warwick; second district of Wallkill; third district of New Windsor; first district of New Windsor; first district of town of Newburgh; fourth district of the fourth ward of the city of Newburgh; fifth district of the second ward of the city of Newburgh; sixth district of the first ward of the city of Newburgh; third district of the first ward of the city of Newburgh; first district of the first ward of the city of Newburgh; second district of the town of Monroe; first district of the town of Monroe; only election district of the town of Minisink; first district of the third ward of Middletown; first district of the second ward of Middletown; third district of the first ward of Middletown; first district of the town of Hamptonburgh; first district of the town of Greenville; fifth district of the town of Goshen; tenth district of the town of Deerpark; ninth district of the town of Deerpark; sixth district of the town of Deerpark; fifth district of the town of Deerpark; fourth district of the town of Deerpark; third district of the town of Deerpark; first district of the town of Deerpark; second district of the town of Crawford; first district of the town of Crawford; third district of the town of Chester; second district of the town of Chester.

Witness my hand and the seal of said county this 1st day of
[L. S.] March, A. D. 1892.

W. G. TAGGART,
County Clerk.

Mr. HIRSCHBERG.—And the same thing from Sullivan county certified by the Sullivan county clerk from certain other districts in that county.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE TOWN OF CALICOON.

Governor (total):	222
Flower	136
Fassett	82
Bruce	3
DeLeon	1
Senator (total):	222
Lamont	136
Richardson	82
Seely	3
Blank	1

Justice of Sessions (total).....	222
Barringer.....	135
Ingraham.....	83
Blank.....	4

Names of inspectors: Ed. Killian, Peter Wagner, Sidney Brown.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE TOWN OF CALICOON.

Governor (total).....	211
Flower	155
Fassett.....	51
Bruce.....	2
DeLeon.....	3

Senator (total).....	208
Lamont.....	156
Richardson.....	50
Seely.....	2
Blank.....	0

Justice of Sessions (total).....	204
Barringer.....	154
Ingraham.....	50
Talbott.....	0
Blank.....	0

Names of Inspectors: L. J. Wagner, John Moots, George Ludwig.

Remarks.

The ballots attached and trimmed.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE TOWN OF COCHECTON.

Governor (total).....	231
Flower.....	133
Fassett.....	83
Bruce.....	10
DeLeon.....	5

Senator (total)	226
Lamont.....	134
Richardson	82
Seely	10
Blank	0

Justice of Sessions (total)	216

Barringer.....	134
Ingraham.....	82
Talbott	0
Blank	0

Names of inspectors: Jacob Theis, Andrew L. Hawks, Jacob Dexheimer.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE TOWN OF DELAWARE.

Governor (total).....	242
Flower	182
Fassett	51
Bruce	6
De Leon.....	2
Blank	1

Senator (total)	242

Lamont.....	185
Richardson.....	48
Seely.	6
Blank	3

Justice of Sessions (total).....	242

Barringer.....	185
Ingraham.....	47
Blank	10

Names of inspectors: Chas. F. Starck, John H. Baum, John G. Stenger.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE TOWN OF DELAWARE.

Governor (total).....	130
Flower	101
Fassett	23
Bruce	1
De Leon.....	4
Defective	1
Senator (total).....	130
Lamont.....	101
Richardson	23
Seely	1
Blank	4
Defective	1
Justice of Sessions (total).....	130
Barringer.....	101
Ingraham.....	23
Blank	5
Defective	1

Names of inspectors: Philip Metzger, Henry Chelins, Wm. H. Pfeiffer.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE TOWN OF FORESTBURGH.

Governor (total).....	128
Flower	66
Fassett	52
Bruce	7
DeLeon.....	3
Senator (total).....	125
Lamont.....	63
Richardson	55
Seely	7
Blank	0

Justice of Sessions (total).....	118
Barringer.....	66
Ingraham.....	52
Albott.....	
Blank.....	

Names of inspectors: John C. Magie, Charles H. D. Decker, Tim Donroy.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE TOWN OF FREMONT.

Governor (total).....	240
Flower.....	138
Fassett.....	90
Bruce.....	9
De Leon.....	3

Senator (total).....	236
Lamont.....	139
Richardson.....	88
Leely.....	9
Blank.....	0

Justice of Sessions (total).....	227
Barringer.....	139
Ingraham.....	88
Albott.....	
Blank.....	

Names of inspectors: Wm. H. Newman, Erhardt Gebeline, Jerry O'Meara.

Remarks.

No ballots attached.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE TOWN OF LUMBERLAND.

Governor (total).....	182
Flower.....	109
Fassett.....	61
Bruce.....	9
DeLeon.....	3

Senator (total)	179
Lamont	108
Richardson	62
Seely	9
Blank	

Justice of Sessions (total)	169
Barringer	109
Ingraham	60
Talbott	
Blank	

Names of inspectors: John Morgan, Benja. Buchanan, George W. Wilson.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE TOWN OF ROCKLAND.

Governor (total)	247
Flower	132
Fassett	90
Bruce	17
DeLeon	8

Senator (total)	241
Lamont	131
Richardson	92
Seely	18
Blank	0

Justice of Session (total)	222
Barringer	131
Ingraham	91
Talbott	0
Blank	0

Names of inspectors: A. J. Bennett, Jefferson Campbell, Willard H. Darber.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE TOWN OF TUSTEN.

Governor (total).....	227
Flower	152
Fassett	69
Bruce	3
DeLeon	3
Senator (total).....	224
Lamont.....	160
Richardson	61
Seely	3
Blank	0
Justice of Sessions (total).....	221
Barringer	153
Ingraham	68
Talbott	0
Blank	0

Names of inspectors: Owen Rinn, Hala J. Moore, Joseph O. Burns.

STATE OF NEW YORK, }
SULLIVAN COUNTY, CLERK'S OFFICE, } ss.:

I, Richard Gildersleeve, county clerk in and for said county, do hereby certify that I have compared the foregoing copy of a portion of the election returns of Sullivan county with the original now remaining on file in this office, and that the same are correct transcripts therefrom, and of the whole of said original portions.

In testimony whereof, I have hereunto set my hand and affixed
[SEAL.] the seal of said county, this 3d day of March, A. D., 1892.

RICHARD GILDERSLEEVE,

CHARLES LOW, recalled.

Clerk.

By Mr. O'NEIL:

Q. Did you have any conversation with Mr. Lamont prior to the last election? A. Yes, sir; I talked with him.

Q. Where was that with reference to working for him or voting for him? A. He never said anything about my voting for him personally.

Q. Where was this conversation that you had with him? A. Once between Goshen and Chester and once between Meriden and Goshen.

Q. What was the conversation? A. When he first began talking about it was the first day I drove for him, and he asked if I thought the boys would do anything for him, and I told him I didn't know; of course, then I was working in the livery stable, and there were quite a good many come there, and I told him I would speak to them about it; when I went back I done as I told him I would do, and talked with the boys about it when they came in, and they all said they would vote for him; the next time I saw him I told him, that is, Mr. Lamont; I think that was the night he went to Meriden.

Q. Get down to the interview where he promised to pay him? A. He told me if I would get these fellows for him that he would pay me ten dollars and be a friend to me afterwards.

Q. So you did work for him all day? A. Yes; I worked for him until my boss came and took me away, and told me I had to drive on a carriage.

Q. What time was that? A. That was about 2 o'clock in the afternoon.

Q. Did you ever get anything from him besides his friendship? A. No, sir.

By Mr. DIMMICK:

Q. What carriage did you drive? A. I drove the carriage for the Democrat party.

Q. You were working for Mr. Wilcox then? A. Yes, sir.

Q. Mr. Wilcox that asked you to go and work for the Democrat ticket? A. He did the second time.

Q. He was the one that said he would pay you? A. They both said they would pay me.

Q. Wilcox said so too? A. Yes, sir.

Q. And did pay you? A. Yes, sir.

By Mr. WASHBURN:

Q. After that did he promise you the ten dollars for working at the polls? A. Yes, sir.

Senator ENDRES.— Any more witnesses?

Mr. O'NEIL.— That is all.

Mr. GARDNER.— We know we can close to-night except this affidavit of Ransom, we can get the certificate of the county clerk and send it to the committee to-morrow or next day, if there is no objection by counsel on the other side that he is justice of the peace, unless they will allow us to introduce it in evidence to-night, we offer in evidence the affidavit of William H. Ransom made before Justice Wyker, justice of the peace of Goshen, Orange county, State of New York, sworn to February 12, 1892.

Mr. HIRSCHBERG.—We will admit Wyker is a notary public and that is a justice of the peace.

Mr. GARDNER.—We offer that affidavit in evidence to contradict and impeach the testimony of the witness Ransom the contents of which I will not read.

Mr. HIRSCHBERG.—We object as incompetent, he expressly states he did not sign any such paper or swear to it.

Senator ENDRES.—Objection sustained.

Mr. GARDNER.—Upon the ground they take evidence which the committee rules out, that we can have printed for the information of the senate so I will leave it with the stenographer.

STATE OF NEW YORK, } ss.:
COUNTY OF ORANGE, }

Wm. H. F. Ransom, being duly sworn, says: That at the regular election held in November last, he received two dollars for voting, and did not vote the Republican ticket. Deponent further says that he was told to vote particularly for W. P. Richardson for State senator.

WM. RANSOM.

sworn to before me, this }
22th day of February, 1892. }

W. H. WYKER,

Justice of the Peace.

DANIEL MAHONEY, recalled.

By Mr. GARDNER:

Q. You have had some conversation with the witness Thomas Jones, that was sworn at the last investigation? A. Yes, sir.

Q. Coming upon the cars that day? A. Yes, sir; at the West Shore depot in Newburgh.

Q. Will you state what the conversation was with him in relation to the subject of his testimony?

Mr. HIRSCHBERG.—I object to that; Mr. Boyce was examined thoroughly as to his conversation with Mahoney.

Senator ENDRES.—Let him testify.

The WITNESS.—He followed me in the West Shore depot and told me he would swear to anything I wanted to if I would give him two dollars, and I had to give him ten cents to get him away from me; told him I didn't want him to swear to anything.

By Mr. WASHBURN:

Q. On election day was Mr. Lamont at your hotel? A. Yes, sir.

Q. Do you remember what time he left there? A. About 12 o'clock.

Q. How long had he been there? A. I think he came there about 10-

By Mr. GARDNER:

Q. What is your business? A. Hotel proprietor for seven years.

Q. Your hotel is corner of Norton street and Broadway? A. Yes, sir.

Q. Known as what? A. The Metropolitan.

Cross-examination:

By Mr. HIRSCHBERG:

Q. He followed you in the depot and told you he would swear to anything you wanted him to for two dollars? A. Yes, sir.

Q. How did he know you wanted him to swear to anything? A. I don't know.

Q. Were you counsel in the case? A. No, sir.

Q. Connected with it publicly in any way? A. He knew I had some interest in it.

Q. What is the interest? A. I think Mr. Lamont was elected.

Q. What was your interest in the contest, what charge of the contest did you have? A. None at all.

Q. And only had the interest of a patriotic citizen? A. Yes, sir.

Q. The upholder of the principles of Jefferson? A. Yes, sir.

Q. Was it because you were a Democrat he went to you? A. I had known him for twenty years.

Q. You had no other reason to suppose why he should come to you? A. No.

Q. You gave him ten cents? A. He told me he wanted a drink.

Q. When you came to ride up with him in the cars you sat in the same seat with him? A. Yes, sir.

Q. How much did you pay him for the privilege of his society in the cars? A. Nothing.

Q. You pumped him all the way up? A. I talked with him.

Q. Got out of him what you could? A. Mr. Dimmick and I sat together and he came and forced himself on us.

Q. You used the pump while you did have him? A. Talked with him.

JAMES H. COOK, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live at Turners? A. Yes, sir.

Q. Are you the Cook to whom the witness referred as having bought your vote? A. Yes, sir.

Q. How long have you lived at Turners? A. About four years the last time.

Q. What is your business? A. Painter.

Q. Man of family? A. Yes, sir.

Q. Did you vote last fall? A. Yes, sir.

Q. What ticket? A. Republican ticket.

Q. Did you call upon Mr. Jones this morning? A. Yes, sir.

Q. At his house? A. Yes, sir,

Q. For what purpose? A. I wanted to see what he swore to a lie for.

Q. You went there to get from him an explanation as to what he had sworn to concerning the purchase of your vote? A. Yes, sir.

Q. And saw him? A. I did.

Q. Did you have any conversation with him? A. He wouldn't talk to me.

Q. State how he appeared and what he said?

Mr. HIRSCHBERG.—I object to that.

Q. State what occurred? A. I went and asked him and says: "Good morning, Tom."

Mr. COUNTRYMAN.—I submit this is a conversation since he was sworn as a witness.

Senator ENDRES.—Let it go on.

The WITNESS.—He stood and looked at me and I looked back at him and he said "good morning" again to me; he says, "where are you going;" he didn't know me; wouldn't talk to me; at least he acted so.

Q. Was he in charge of officers? A. No; he was sitting in his own house, two men watching over him.

Q. Who were they? A. One young lad named Sid Smith and Charley Simpson.

Q. Public authorities? A. I couldn't say.

Q. What was his mental condition? A. They claimed he was crazy.

Senator ENDRES.—He don't know anything about that.

Mr. HIRSCHBERG.—I move to strike that out.

Q. Will you state what was his mental condition this morning?

Mr. HIRSCHBERG.—I object to that.

Q. Did he recognize or know you this morning? A. No, sir.

Q. Did you have any conversation with him on election day at all?
A. No, sir; don't remember of seeing him at all.

Q. You weren't purchased by him? A. No, sir; or nobody else.

Q. Nor influenced in any manner or shape in the casting of your vote that day by Jones or by money? A. By Jones or anybody else.

Q. Did you ever sell your vote? A. No, sir.

Q. Did anybody ever ask you to buy your vote? A. No, sir; not to my knowing.

Cross-examination :

By Mr. HIRSCHBERG:

Q. What hour did you vote? A. I think I put in about three-quarters and went down and voted.

Q. At the Turners district? A. Yes, sir.

Q. Was Mr. Lamont there? A. No, sir; I know he wasn't when I was there.

Q. You don't know what hour it was? A. No; I couldn't exactly say; I think it was about 4 o'clock or a little after.

CHARLES MUNHALL, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live at Turners? A. Yes, sir.

Q. What are your politics? A. Republican.

Q. Lived there some years? A. Thirty years.

Q. Man of family? A. Yes, sir.

Q. Are you the one to whom Jones referred to in his testimony as having purchased your vote? A. Yes, sir.

Q. Did he purchase your vote? A. No, sir.

Q. At last fall election? A. No, sir.

Q. Did you have any conversation with him that day? A. No, sir; I don't remember of seeing him.

Q. You voted the Republican ticket? A. Yes, sir.

Q. Promised money by anybody? A. No, sir; nobody.

Q. Did you ever sell your vote? A. No, sir.

Q. Did anybody ever ask you to buy your vote? A. No, sir.

Q. What is your trade or business? A. Mason.

STEPHEN C. EARLE, being duly sworn, testified as follows:

By Mr. GARDNER:

Q. You live in Turners? A. Yes, sir.

Q. An officer? A. Yes, sir.

Q. Constable? A. Yes, sir.

Q. You know Jones? A. Yes, sir.

Q. And known him some time? A. Yes, sir.

Q. Several years? A. Yes, sir.

Q. You were called to his house this morning? A. His brother-in-law came up to the store and wanted me to go down and take charge of him, and I refused because I had no papers.

Q. Take charge of him for what purpose?

Mr. O'NEIL.—I object to that.

Q. You didn't go down to the house? A. Yes, sir.

Q. Did you see Jones? A. Yes, sir.

Q. What was his mental condition this morning?

Mr. O'NEIL.— We object to that.

Senator ENDRES.— He doesn't know.

Q. State how he appeared; how did he act?

Mr. HIRSCHBERG.— We object to that.

Q. Did you see him do anything unusual in your presence this morning?

Mr. HIRSCHBERG.— We object to that, it opens a new line and it would be the basis for an application on our part for an adjournment.

Mr. WASHBURN.— We withdraw it then.

By Senator ENDRES:

Q. You didn't arrest him this morning? A. No.

By Mr. WASHBURN:

Q. Did you send for the poor officer of the town? A. No, sir.

WILLIAM F. MILFORD, recalled.

By Mr. DIMMICK:

Q. You were in Goshen from Saturday before election until election day? A. Until 1 o'clock Monday afternoon.

Q. What was your business there? A. I was acting as clerk for Mr. Lamont for a few days.

Q. Was Mr. Lamont in Goshen? A. Not from Saturday night 5 o'clock until election night between 8 and 9 o'clock.

Q. You left Goshen 1 o'clock Monday afternoon? A. Yes.

Q. Where did you go? A. I went to Newburgh.

Q. Did you see Mr. Lamont there? A. No; but I knew where he was.

Q. Where was he? A. In the town of Monroe.

Cross-examination :

By Mr. HIRSCHBERG:

Q. How do you know? A. Because indirectly I had communication with him.

Q. You didn't see him? A. No, sir.

Mr. HIRSCHBERG.— I move to strike out his evidence as to where he was.

Senator ENDRES.— So far as it applies to Monroe.

Q. Where were you Monday morning? A. In Goshen.

Q. Whereabouts? A. In the county committee rooms.

Q. Were you there all morning? A. All morning until 1 o'clock.
 Q. Wasn't in Mr. Bacon's office? A. No.
 Q. Were you in there? A. Yes, I was in there.
 Q. Monday morning you were in there? A. Yes, sir.
 Q. All morning? A. No; might have been there half a dozen times;
 I was there during the morning; there is one room runs back.
 Q. And two rooms in the other building? A. Yes, sir.
 Q. His rooms are in both buildings? A. Yes, sir.
 Q. Were you in those rooms Monday morning? A. I was.
 Q. What hours? A. I was in there about 8 or 9 o'clock in the morning.

Q. When were you in again? A. Probably anywhere from 10 to 12.
 Q. You weren't there from 9 to 10 at all? A. I wouldn't swear but what I was.

Q. You will swear to that? A. No.
 Q. Swear you might have been? A. Yes, sir.
 Q. Swear you were there all the time? A. No.
 Q. Where were you the most? A. In the county committee's rooms.
 Q. What hours were you in the county committee's rooms in the morning? A. I was there probably from 7 o'clock until 8.

Q. When again? A. Every fifteen minutes from that up to noon.
 Q. What do you know about that? A. That probably if I went in Mr. Bacon's office once or twice during the morning I wouldn't remain over five or ten minutes in his office.

Q. Those are the two places you were? A. Yes, sir.
 Q. Where were you in the afternoon? A. Newburgh.
 Q. You didn't see Mr. Lamont at all that day? A. No.
 Q. Nor Sunday? A. Nor Sunday.
 Q. You don't know of your own knowledge where he was? A. Only by hearsay and what he told me.

Q. By what he told you afterwards? A. Yes, sir.

Q. By what he afterwards told you? A. Yes, sir.

By Mr. TAYLOR:

Q. Didn't you have telephonic communication with him? A. I tried to telephone and did telephone several times, but each time I telephoned he had left the place where I telephoned.

Mr. HIRSCHBERG.—I move to strike out that answer.

Senator ENDRES.—Strike out that.

By Senator ENDRES:

Q. Did you have any telephonic communication with him that morning? A. He didn't answer me through the telephone himself.

By Mr. WASHBURN:

Q. Did you see Mr. Bacon that morning? A. I did.

Q. Do you know anything about Bacon desiring to communicate with Mr. Lamont? A. He was very anxious to.

Q. You knew Mr. Lamont was not in Goshen? A. Yes, I knew he was not in Goshen from Saturday night at 5 o'clock.

Counsel for the sitting member files the answer as follows:

IN THE MATTER OF THE SENATORIAL CONTEST OF C. FRED LAMONT *against* WILLIAM P. RICHARDSON, IN THE THIRTEENTH SENATORIAL DISTRICT OF NEW YORK.

Answer of Senator William P. Richardson.

The undersigned, William P. Richardson, senator from the thirteenth senatorial district, answering the petition of C. Fred Lamont, as the contestant for his seat in the senate.

First. Denies that said Lamont received a plurality of the legal votes cast at the last election on the 3d day of November, 1891, in said thirteenth senatorial district.

Second. The undersigned also denies that he was guilty of or participated in, any bribery, corruption or fraud at said election, or that money was corruptly, illegally or unlawfully used by him, or authorized by him to be used in every or any election district in either of the counties of Orange or Sullivan, to influence or buy up a sufficient number of voters to secure his election, or any voters whatever.

Third. He also denies that there was any unlawful or illegal solicitation or electioneering by him or by his authority on election day at every or any election district in said thirteenth senatorial district, at a distance less than 150 feet from the polling place therein.

Fourth. He also denies that any ballots were marked for identification by him or by his authority, or were caused to be voted, or counted for him at said election at several or at any election district in either of the counties of Orange or Sullivan.

Fifth. He also denies that every or any device to evade the ballot reform law was resorted to by him, or by his authority, to forward his election, or that the same was secured through bribery, fraud or corruption.

Sixth. Upon information and belief he also denies each and every other statement and allegation contained in said petition not specifically denied above.

Seventh. Upon information and belief he alleges that bribery, corruption and fraud was participated in by the said C. Fred Lamont, his friends, servants, agents and representatives at said election.

Eighth. Upon information and belief he also alleges that money was corruptly, illegally and unlawfully used by the said C. Fred

amount, his servants, agents and representatives in every election district of the counties of Orange and Sullivan to influence and buy voters for the purpose of securing his election.

Ninth. Upon information and belief he also alleges that there was lawful and illegal solicitation and public electioneering by the said Fred Lamont, his servants, agents and representatives, on election day, at every election district in said thirteenth senatorial district, at distance less than 150 feet from the polling-place in each of said election districts.

Tenth. Upon information and belief he also alleges that non-residents and minors were allowed to vote and did vote for said C. Fred Lamont at several election districts in said senatorial district.

Eleventh. Upon information and belief he also alleges that at several election districts in the counties of Orange and Sullivan, the board of registry placed upon the registry the names of persons known to them to be persons not entitled to vote at the respective polls where they were registered, and on election day the inspectors of election allowed the persons whose names were thus placed upon the registry to vote.

Twelfth. Upon information and belief he also alleges that at the first district of the first ward and other districts in the city of Newburgh, while the election was in progress, ballots being received and deposited in the ballot box, the inspectors of election at each of said election districts, unlawfully and illegally, and with intent to change the result of said election, contrary to law, opened the ballot-box at each of said districts and abstracted therefrom ballots that had been voted by electors of said districts.

Thirteenth. Upon information and belief he also alleges that ballots marked for identification by the said C. Fred Lamont, his friends, servants, agents and representatives were caused to be voted and counted for the said C. Fred Lamont at said election, at several election districts in the counties of Orange and Sullivan.

Fourteenth. Upon information and belief he also alleges that at some of the election districts in the city of Middletown, upon registration day, in the absence of the Republican inspector, and, indeed, of all the inspectors, the other inspectors, the clerk placed on the registry thereof the names of persons not entitled to vote at said election district, and on election day received and deposited in the ballot-box ballots offered by such persons.

Fifteenth. The undersigned further alleges that he was lawfully elected senator from the thirteenth senatorial district by a plurality of the legal votes at said election.

Dated *March 29, 1892.*

Wherefore the said William P. Richardson prays that his election as such senator may be confirmed and said petition of the contestant dismissed.

CITY AND COUNTY OF ALBANY, SS.:

William P. Richardson, being duly sworn, says that he is the above named senator; that he has read the above answer to the contestant's petition, and that the same is true of his own knowledge, except as to the matters therein stated to be denied or alleged on information and belief, and as to those matters he believes it to be true.

W. P. RICHARDSON.

Sworn to before me this 29th }
day of March, 1892. }

THOMAS A. MEEGAN,
Notary Public, Albany county, N. Y.

Mr. O'NEIL.—Mr. St. John stated to me he was not subpoenaed; that a subpoena was left in an envelope on his desk, and he never saw it until two weeks afterwards. He was away at the time.

Mr. WASHBURN.—We wish to offer in evidence a certified copy of Mr. Richardson's certificate of election expenses filed with the Secretary of State.

STATEMENT OF THE ELECTION EXPENSES OF W. P. RICHARDSON.

Assessment to State committee.....	\$500 00
Assessment to Orange county committee	300 00
Assessment to Sullivan county	200 00
Printing, distribution of circular, etc.....	156 25
Postage and envelopes	89 22
Traveling expenses, etc.....	50 00
	\$1,295 47

ORANGE COUNTY, SS.:

William P. Richardson, being duly sworn, says that the foregoing statement is in all respects true, and that the same is a full and detailed statement of all moneys contributed or expended by him directly or indirectly, by himself or through any other person in aid of his election to the office of State senator for thirteenth district.

W. P. RICHARDSON.

Sworn to before me, this 12th }
day of November, 1891. }

C. W. COLEMAN,
Justice of the Peace.

STATE OF NEW YORK, }
 ORANGE COUNTY, CLERK'S OFFICE. } ss. :

I, Charles G. Elliott, clerk of said county, and the County Court of said county (a court of record), do hereby certify: That C. W. Coleman, whose name is subscribed to the annexed affidavit, was, at the time of taking the same, a justice of the peace, in and for said county, duly elected and qualified, and having full power to take the same; and further, that I am well acquainted with the handwriting of said justice, and verily believe that the signature subscribed to the said affidavit is genuine.

In witness whereof, I have hereunto subscribed my name, and
 [L. s.] affixed the seal of said court and county, this 11th day of
 November, 1891.

C. G. ELLIOTT,
Clerk.

STATE OF NEW YORK, }
 OFFICE OF THE SECRETARY OF STATE. } ss. :

I have compared the preceding copy of statement of election expenses with the original statement on file in this office, and do hereby certify that the same is a correct transcript therefrom, and of the whole thereof.

Given under my hand and the seal of office of the Secretary of
 [L. s.] State, at the city of Albany, this sixth day of April, in the
 year one thousand eight hundred and ninety-two.

FRANK RICE,
Secretary of State.

The following are the statements heretofore offered in evidence:

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT OF
 THE ——— OF THE TOWN OF WALLKILL.

Governor (total)	213
Flower	97
Fassett.....	109
Bruce.....	3
DeLeon.....	3
Blank.....	1

Senator (total)	207
Lamont.....	98
Richardson	106
Seeley ..	3
Blank.....	0

R. plurality 8.

Justice of Sessions (total)	212
Stevens.....	99
Bull.....	107
Talbott	6
Blank	0

Memoranda of ballots attached	213
Straight Democratic	97
Straight Republican	109
Straight Prohibition.....	4
Straight Labor	3
Split tickets.....	0

Names of inspectors: Henry W. Dunning, J. C. Wilber, W. N. White.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT OF
THE — OF THE TOWN OF WALLKILL.

Governor (total)	150
Flower.....	52
Fassett	94
Bruce... ..	3
DeLeon	1
Senator (total)	150
Lamont....	50
Richardson	94
Seeley	3
Blank.....	3

R. plurality 44.

Justice of Sessions (total)	150
Stevens	51
Bull	95
Talbott	3
Blank	1

Memoranda of ballots attached	150
Straight Democratic	52
Straight Republican	94
Straight Prohibition	3
Straight Labor	1
Split tickets	0

Names of inspectors: Wm. H. Winfield, Emmet L. Bull, Geo. F. Hunter.

MEMORANDA OF STATEMENT OF CANVASS IN THE PROBABLY FOURTH ELECTION
DISTRICT OF THE — OF THE TOWN OF WARWICK.

Governor (total)	311
Flower	145
Fassett	161
Bruce	5
DeLeon	

Senator (total)	307
Lamont	150
Richardson	152
Jeely	5
Blank	0

R. plurality 2.

Justice of Sessions (total)	311
Stevens	146
Bull	160
Talbott	5
Blank	

Memoranda of ballots attached.....	311
Straight Democrat.....	137
Straight Republican.....	126
Straight Prohibition.....	4
Straight Labor.....	0
Split tickets.....	43

Names of inspectors: Jno. D. Smith, S. E. Holly, Geo. P. Wood.

Remarks.

Twenty-four ballots attached.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE — OF THE TOWN OF WARWICK.

Governor (total).....	338
Flower.....	160
Fassett.....	166
Bruce.....	8
DeLeon.....	4
Senator (total).....	333
Lamont.....	161
Richardson.....	164
Seely.....	8
Blank.....	0

R. plurality 3.

Justice of Sessions (total).....	334
Stevens.....	162
Bull.....	164
Talbott.....	8
Blank.....	0

Memoranda of ballots attached.....	337
Straight Democratic.....	146
Straight Republican.....	139
Straight Prohibition.....	8
Straight Labor.....	3
Split tickets.....	41

Names of inspectors: Ira S. Smith, Frank T. Uhlrick, H. K. Wood.

Remarks.

Yellow paster (labor) ballot attached.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE ——— OF THE TOWN OF TUXEDO.

Governor (total).....	276
Flower	110
Fassett	162
Bruce	4
DeLeon.....	0
Senator (total).....	276
Lamont.....	115
Richardson	157
Jeely.....	4
Blank	0

R. plurality 42.

Justice of Sessions (total).....	275
Stevens.....	109
Bull	162
Galbot.....	4
Blank	0

Memoranda of ballots attached	278
Straight Democratic.....	112
Straight Republican.....	162
Straight Prohibition	4
Split tickets.....	

Names of inspectors: Peter W. Belcher, Jno. Marvin, Mahlon J. Brooks.

Remarks.

Attached ballots are trimmed.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE ——— OF THE TOWN OF WINDSOR.

Governor (total).....	163
Flower	74
Fassett	87
Bruce	1
DeLeon	0
Blank	0

Senator (total).....	163
Lamont.....	74
Richardson	86
Seely.....	1
Blank	2

R. plurality 12.

Justice of Sessions (total).....	163
Stevens.....	74
Bull.....	88
Talbott	1
Blank	0

Memoranda of ballots attached.....	162
Straight Democratic	74
Straight Republican	87
Straight Prohibition	0
Straight Labor	0
Split tickets.....	1

Names of inspectors: David W. Halstead, Jno. McGregor, Jas. W. Flynn.

Remarks.

The split is an Alexander, Prohibition. "Roger B. Towner" received one for Governor.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE FOURTH WARD OF THE CITY OF NEWBURGH.

Governor (total).....	241
Flower	134
Fassett	103
Bruce	2
DeLeon.....	2
Senator (total).....	241
Lamont.....	112
Richardson.....	122
Seeley	2
Blank	5

R. plurality 10.

Justice of sessions (total).....	241
Stevens.....	131
Bull.....	106
Talbott.....	2
Blank.....	2

Memoranda of ballots attached..... 192

Straight Democratic.....	92
Straight Republican.....	96
Straight Prohibitionist.....	2
Straight Labor.....	2
Split tickets.....	0

Names of inspectors: Jas. W. Bradley, Chas. A. Beekman, Robt. W. Hewitt.

Remarks.

Statement by inspectors that there were 49 split ballots.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE FOURTH WARD OF THE CITY OF NEWBURGH.

Governor (total).....	251
Flower.....	118
Fassett.....	126
Bruce.....	7
DeLeon.....	0

Senator (total)..... 251

Lamont.....	110
Richardson.....	133
Seely.....	7
Blank.....	1

R. plurality 23.

Justice of Sessions (total).....	251
Stevens.....	116
Bull.....	126
Talbot.....	7
Blank.....	2

Memoranda of ballots attached.....	252
Straight Democratic	118
Straight Republican	126
Straight Prohibition	7
Straight Labor	0
Split tickets.....	0
Defective.....	1

Names of inspectors: Geo. O. Gardner, Fred. Kernahan, Wm. H. Peake.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE — OF THE TOWN OF NEWBURGH.

Governor (total).....	199
Flower	79
Fassett	107
Bruce	11
DeLeon	2

Senator (total)	197
Lamont.....	74
Richardson	113
Seely.....	10

R. plurality, 39.

Justice of Sessions (total).....	198
Stevens.....	78
Bull.....	108
Falbott.....	12
Blank	0

Memoranda of ballots attached.....	199
Straight Democratic	79
Straight Republican	107
Straight Prohibition	11
Straight Labor.....	2

Names of inspectors: P. N. Howell, Isaac C. Colyer, Alex. Beattie.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF WOODBURY.

Governor (total).....	356
Flower	99
Fassett	240
Bruce	15
DeLeon	2

Senator (total).....	350
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Lamont	121
Richardson	216
Seely	11
Blank	2

C. F. Lamont.

R. plurality, 95.

Justice of Sessions (total)	354
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Stevens	98
Bull	239
Talbott	17
Blank	0

Names of inspectors: Millard F. Earl, I. Hunter, Wm. Barclay.

Remarks.

Affidavits of inspectors, November twelfth, that ballots can not be attached, because they were destroyed, but that statement is correct.

MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT
OF THE — OF THE TOWN OF NEWBURGH.

Governor (total).....	168
Flower	74
Fassett	88
Bruce	4
DeLeon	2

Senator (total).....	168
----------------------	-----

Lamont	73
Richardson	89
Seely	4
Blank	2

R. plurality 16.

Justice of Sessions (total).....	168
Stevens.....	74
Bull.....	88
Talbott.....	4
Blank.....	2

Memoranda of ballots attached.....	168
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Straight Democrat.....	74
Straight Republican.....	88
Straight Prohibition.....	4
Straight Labor.....	2
Split tickets.....	0

Names of inspectors: Wallace Lozier, Michael Benson and Frederick Decker.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF NEWBURGH.

Governor (total).....	167
Flower.....	68
Fassett.....	77
Bruce.....	22
DeLeon.....	0

Senator (total).....	167
Lamont.....	69
Richardson.....	76
Seely.....	22
Blank.....	0

R. plurality 7.

Justice of Sessions (total).....	167
Stevens.....	68
Bull.....	77
Talbott.....	22
Blank.....	0

Memoranda of ballots attached.....	167
Straight Democrat.....	68
Straight Republican.....	77
Straight Prohibition.....	22
Straight Labor.....	0
Split tickets.....	0

Names of inspectors: Elias P. Griffin, Frank S. Griffin and Lewis W. Miller.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE FOURTH WARD OF THE CITY OF NEWBURGH.

Governor (total).....	241
Flower.....	110
Fassett.....	123
Bruce.....	4
DeLeon.....	3
Blank.....	1

Senator (total).....	241
Lamont.....	109
Richardson.....	124
Seely.....	2
Blank.....	6

R. plurality, 15.

Justice of Sessions (total).....	241
Stevens.....	109
Bull.....	125
Talbott.....	4
Blank.....	3

Memoranda of ballots attached.....	241
Straight Democratic.....	111
Straight Republican.....	123
Straight Prohibition.....	4
Straight Labor.....	3
Split tickets.....	0

Name of inspectors: Alex. A. Darragh, Jas. J. Fogarty, Jacob Lewis.

Remarks.

Statement by inspectors that there were fifty split ballots.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE THIRD WARD OF THE CITY OF NEWBURGH.

Governor (total).....	198
Flower	78
Fassett	110
Bruce	10
DeLeon.....	0

Senator (total).....	198
Lamont.....	78
Richardson	109
Seely.....	10
Blank	1

R. plurality, 31.

Justice of Sessions (total)	108
Stevens.....	79
Bull.....	109
Talbott.....	10
Blank	0

Memoranda of ballots attached	149
Straight Democratic	54
Straight Republican	89
Straight Prohibition	6
Straight Labor.....	0
Split tickets.....	0

Name of inspectors: Wm. N. Beggs, Jos. A. MacDonald, Thomas Hallington.

Remarks.

Affidavit by inspectors that forty-nine split ballots having been destroyed can not be attached.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE THIRD WARD OF THE CITY OF NEWBURGH.

Governor	251
Flower	81
Fassett	160
Bruce	8
DeLeon	1
Blank	1

Senator (total)	251
Lamont ..	79
Richardson	162
Seely	8
Blank	2

R. plurality 83.

Justice of Sessions (total)	251
Stevens	81
Bull	160
Talbott	8
Blank	2

Memoranda of ballots attached	179
Straight Democratic	45
Straight Republican	129
Straight Prohibition	5
Straight Labor	0
Split tickets	0

Names of inspectors: A. S. Wood, H. W. Waring, Jno. H. Chapman.

Remarks.

The one Labor ballot cast was on return to county clerk.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE SECOND WARD OF THE CITY OF NEWBURGH.

Governor (total)	277
Flower	126
Fassett	141
Bruce	8
DeLeon	2
Senator (total)	274
Lamont	123
Richardson	144
Seely	7
Blank	0

R. plurality 21.

Justice of Sessions (total)	273
Stevens	124
Bull	142
Talbott	7
Blank	0

Memoranda of ballots attached	278
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Straight Democratic	126
Straight Republican	142
Straight Prohibition	8
Straight Labor	2
Split tickets	0

Names of inspectors: Jos. Martine, A. S. Weaver, Chas. O. Bairrett.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE SECOND WARD OF THE CITY OF NEWBURGH.

Governor (total)	260
Flower	108
Fassett	145
Bruce	3
DeLeon	4

Senator (total)	257
-----------------------	-----

Lamont	104
Richardson	150
Seely	3
Blank	0

R. Plurality 46.

Justice of Sessions (total)	257
Stevens	105
Bull	148
Talbott	4
Blank	0

Memoranda of ballots attached	260
Straight Democratic	108
Straight Republican	145
Straight Prohibition	3
Straight Labor	4
Split tickets	0

Names of inspectors: Hiram Lorier, Isaac B. Lozier, Jas. E. Brady.

MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT
OF THE SECOND WARD OF THE CITY OF NEWBURGH.

Governor (total)	334
Flower	132
Fassett	187
Bruce	14
DeLeon	0
Blank	1

Senator (total)	334
Lamont	127
Richardson	190
Seely	14
Blank	3

R. plurality 63.

Justice of Sessions (total)	334
Stevens	132
Bull	187
Talbott	14
Blank	1

Memoranda of ballots attached	354
Straight Democratic	143
Straight Republican	197
Straight Prohibition	14
Straight Labor	0
Split tickets	0

Names of inspectors: Ingham Stublely, Geo. Buchanan, Jas. S. Beahan.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE SECOND WARD OF THE CITY OF NEWBURGH.

Governor (total).....	293
Flower	142
Fassett	144
Bruce	4
De Leon	3

Senator	290
Lamont.....	141
Richardson.....	145
Seely.....	4
Blank	

R. plurality 4.

Justice of Sessions (total).....	290
Stevens.....	140
Bull.....	146
Talbott	4
Blank	

Memoranda of ballots attached.....	232
Straight Democratic	111
Straight Republican	114
Straight Prohibition	4
Straight Labor.....	3
Split tickets.....	3

Names of inspectors: Willett A. Kidd, Wm. C. Elliott, Jno. S. Smith.

Remarks.

Affidavit of Kidd and Smith, November 14, that there were 232 straight and 61 split tickets.

MEMORANDA OF STATEMENT OF CANVASS IN THE SEVENTH ELECTION DISTRICT OF THE FIRST WARD OF THE CITY OF NEWBURGH.

Governor (total).....	246
Flower	54
Fassett	178
Bruce	8
De Leon	6

Senator (total).....	246
Lamont.....	55
Richardson	177
Seely.....	8
Blank	6

R. plurality 122.

Justice of Sessions (total)	246
Stevens	55
Bull.....	177
Talbott	8
Blank	6

Memoranda of ballots attached.....	245
Straight Democratic	54
Straight Republican	177
Straight Prohibition	8
Straight Labor.....	6
Split tickets	0

Names of inspectors : Andrew N. Taggart, Wm. H. Hallock, Frank B. Dickson.

Remarks.

Affidavit of Taggart and Hallock that they "made corrections on word blank in election district number seven on writing the whole number of votes on tickets and page of said district.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE FIRST WARD OF THE CITY OF NEWBURGH.

Governor (total).....	243
Flower	116
Fassett.....	119
Bruce	6
DeLeon	1
Blank	1
Senator (total).....	243
Lamont.....	114
Richardson	122
Seely	6
Blank	1

R. plurality 8.

Justice of Sessions (total).....	243
Stevens	116
Bull.....	120
Talbott	6
Blank	1

Memoranda of ballots attached	243
Straight Democratic	116
Straight Republican	120
Straight Prohibition	6
Straight Labor	1
Split tickets.....	

Names of inspectors: Jas. D. McGiffert, Jas. C. Smith, David J. Hyndman.

MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT
OF THE FIRST WARD OF THE CITY OF NEWBURGH.

Governor (total).....	307
Flower	103
Passett	189
Bruce	10
DeLeon	5

Senator (total)	302
Lamont.....	95
Richardson	197
Seely	10
Blank	

R. plurality 102.

Justice of Sessions (total).....	302
Stevens	101
Bull	190
Talbott	11
Blank	

Memoranda of ballots attached.....	239
Straight Democratic	79
Straight Republican	148
Straight Prohibition	7
Straight Labor	5
Split tickets.....	0

Names of inspectors: Alanson H. Topping, Rob't J. Hill, Jno. Sansbury.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIFTH ELECTION DISTRICT OF
THE FIRST WARD OF THE CITY OF NEWBURGH.

Governor (total)	232
Flower	76
Fassett	138
Bruce	15
DeLeon	3

Senator (total)	232
Lamont	81
Richardson	133
Seely	14
Blank	4

R. plurality 52.

Justice of Sessions (total)	232
Stevens	76
Bull	136
Talbott	14
Blank	6

Memoranda of ballots attached.....	232
Straight Democratic	76
Straight Republican	138
Straight Prohibition	15
Straight Labor	3
Split tickets.....	0

Names of inspectors: Wm. B. White, E. Farrington, John J. McQueston.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT OF
THE — OF THE TOWN OF MT. HOPE.

Governor (total)	247
Flower	93
Fassett	150
Bruce	2
DeLeon	2
Senator (total)	247
Lamont	104
Richardson	140
Seely	3
Blank	0

R. plurality 36.

Justice of Sessions (total)	247
Stevens	90
Bull	154
Talbott	3
Blank	0

Memoranda of ballots attached	195
Straight Democratic	71
Straight Republican	118
Straight Prohibition	4
Split tickets	0

Names of inspectors: John Pierson, L. M. Nuter, A. J. Craig.

Remarks.

Stubs are still on attached ballots.

MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT
OF THE — OF THE TOWN OF MONTGOMERY.

Governor	305
Flower	88
Fassett	200
Bruce	16
DeLeon	0
Blank	1

Senator (total).....	305
Lamont.....	87
Richardson.....	201
Seely.....	16
Blank.....	1

R. plurality 114.

Justice of Sessions (total).....	305
Stevens.....	88
Bull.....	200
Talbott.....	16
Blank.....	1

Memoranda of ballots attached.....	266
Straight Democrat.....	72
Straight Republican.....	181
Straight Prohibition.....	14
Straight Labor.....	0
Split tickets.....	0

Names of inspectors: W. D. Sloan, Cyrus B. Fowler, William C. Weller.

Remarks.

Statement by inspectors that there were 38 split ballots.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE — OF THE TOWN OF MONTGOMERY.

Governor (total).....	395
Flower.....	132
Fassett.....	234
Bruce.....	22
DeLeon.....	5
Blank.....	2

Senator (total).....	395
Lamont.....	126
Richardson.....	246
Seely.....	19
Blank.....	4

R. plurality 120.

Justice of Sessions (total).....	395
Stevens.....	131
Bull.....	238
Talbott.....	21
Blank.....	5

Memoranda of ballots attached..... 395

Straight Democrat.....	109
Straight Republican.....	228
Straight Prohibition.....	17
Straight Labor.....	3
Split tickets.....	0

Names of inspectors: Samuel McKee, William T. Decker, Philip D. Crist.

Remarks.

Attached ballots are trimmed.

Democrat splits.....	21
Republican splits.....	10
Prohibition splits.....	5
Labor split.....	2

There were only 4 split ballots attached.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF MONTGOMERY.

Governor (total).....	239
Flower.....	109
Fassett.....	106
Bruce.....	22
DeLeon.....	2

Senator (total).....	239
Lamont.....	106
Richardson.....	114
Seely.....	19
Blank.....	

R. plurality 8.

Justice of Sessions (total)	236
Stevens	108
Bull	106
Talbott	22
Blank	

Memoranda of ballots attached	239
Straight Democrat	109
Straight Republican	106
Straight Prohibition	22
Straight Labor	2
Split tickets	0

Names of inspectors: Henry J. Powell, Chas. R. Stanley, Wm. Titus.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF MONTGOMERY.

Governor (total)	184
Flower	84
Fassett	88
Bruce	11
DeLeon	1

Senator (total)	183
Lamont	81
Richardson	91
Seely	11
Blank	

R. plurality 10.

Justice of Sessions (total)	183
Stevens	86
Bull	86
Talbott	11
Blank	

Memoranda of ballots attached	184
Straight Democrat	84
Straight Republican	88
Straight Prohibition	11
Straight Labor	1
Split tickets	0

Names of inspectors: Chas. Tice, W. S. Hunter, Chas. J. Kidd.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE FOURTH WARD OF THE CITY OF MIDDLETOWN.

Governor (total)	247
Flower	119
Fassett	121
Bruce	6
DeLeon	1

Senator (total)	247
Lamont	113
Richardson	126
Seely	6
Blank	1
Brown	1

R. plurality 13.

Justice of Sessions (total)	247
Stevens	118
Bull	119
Talbott	6
Blank	4

Memoranda of ballots attached	195
Straight Democrat	101
Straight Republican	95
Straight Prohibition	0
Straight Labor	0
Split tickets	0

Names of inspectors: B. O. Wolf, Thos. L. Lane, Wesley Decker.

Remarks.

Attached ballots are trimmed. Statement by inspectors that they can not obtain Prohibition and Labor tickets to attach.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE FOURTH WARD OF THE CITY OF MIDDLETOWN.

Governor (total)	178
Flower	81
Fassett	81
Bruce	14
DeLeon	2

Senator (total).....	178
Lamont	73
Richardson	87
Seely	16
Blank	2

R. plurality 14.

Justice of Sessions (total)	178
Stevens	75
Bull	61
Talbott	16
Blank	26

Memoranda of ballots attached	178
Straight Democrat	81
Straight Republican	81
Straight Prohibition	14
Straight Labor	2
Split tickets	0

Names of inspectors: A. Coddington, S. Albert Bull, Geo. Storch.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE FOURTH WARD OF THE CITY OF MIDDLETOWN.

Governor (total).....	288
Flower	123
Fassett	142
Bruce	16
DeLeon	6
Blank	1

Senators (total).....	288
Lamont	120
Richardson	144
Seely	17
Blank	7

R. plurality 24.

Justice of Sessions (total).....	288
Stevens	124
Bull.....	135
Talbott	18
Blank	11

Memoranda of ballots attached.....	224
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Straight Democratic	95
Straight Republican	107
Straight Prohibition	16
Straight Labor	6
Split tickets.....	

Names of inspectors: James M. Price, Jonathan L. Suizy, Thomas A. March.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE THIRD WARD OF THE CITY OF MIDDLETOWN.

Governor (total).....	162
Flower	58
Fassett.....	94
Bruce	9
DeLeon.....	1

Senator (total).....	162
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Lamont.....	61
Richardson	93
Seely	8
Blank	

R. plurality 32.

Justice of Sessions.....	162
Stevens.....	60
Bull.....	93
Talbott	9
Blank	

Memoranda of ballots attached.....	134
Straight Democratic	49
Straight Republican	76
Straight Prohibition	7
Straight Labor	1
Split tickets.....	2

Names of inspectors: E. B. Quick, G. A. Swalin, H. B. Dill.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT OF
THE SECOND WARD OF THE CITY OF MIDDLETOWN.

Governor (total)	327
Flower.....	137
Fassett.....	169
Bruce.....	19
DeLeon.....	2
Senator (total)	327
Lamont.....	130
Richardson	174
Seely.....	19
Blank	4

R. plurality 44.

Justice of Sessions (total)	327
Stevens.....	135
Bull.....	168
Talbott	21
Blank	3

Memoranda of ballots attached.....	327
Straight Democratic.....	137
Straight Republican.....	169
Straight Prohibition.....	19
Straight Labor.....	2
Split tickets.....	0

Names of inspectors: R. D. Mapes, Chas. V. Puff, L. G. Wilson.

**MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT OF
THE SECOND WARD OF THE CITY OF MIDDLETOWN.**

Governor (total)	207
Flower	59
Fassett	123
Bruce.....	25
Senator (total)	207
Lamont.....	57
Richardson.....	125
Seely	24
Blank.....	1
Justice of Sessions (total) ...	207
Stevens.....	60
Bull.....	116
Talbott	28
Blank.....	3
Memoranda of ballots attached.....	207
Straight Democratic	59
Straight Republican.....	123
Straight Prohibition.....	25
Straight Labor.....	0
Split tickets.....	0

Names of inspectors: C. B. Hulse, J. M. H. Little, J. L. Towner.

**MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE FIRST WARD OF THE CITY OF MIDDLETOWN.**

Governor (total).....	266
Flower	162
Fassett	88
Bruce	13
DeLeon	2
Blank	1

Senator (total)	266
Lamont.....	134
Richardson	118
Seeley	12
Blank	2

L. plurality, 16.

Justice of Sessions (total).....	266
Stevens.....	131
Bull.....	92
Talbott	12
Blank	31

Memoranda of ballots attached.....	266
Straight Democrat.....	161
Straight Republican	88
Straight Prohibition	2
Straight Labor	13
Blank	1
Split tickets	0

Names of inspectors: Dan'l B. Sweeny, J. Holmes, A. E. McIntyre.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT OF
THE FIRST WARD OF THE CITY OF MIDDLETOWN.

Governor (total).....	184
Flower	85
Fassett	93
Bruce	5
DeLeon	1
Blank	1

Senator (total).....	184
Lamont	81
Richardson	97
Seely.....	4
Blank	2

R. plurality 16.

Justice of Sessions (total).....	184
Stevens.....	84
Bull.....	91
Talbott.....	5
Blank.....	4

Memoranda of ballots attached.....	183
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	Gov.	Sen.
Straight Democrat.....	85	81
Straight Republican.....	93	97
Straight Prohibition.....	5	4
Straight Labor.....	1	0
Blank.....		1
Split tickets.....		0

Names of inspectors: Jno. A. Wallace, Oliver G. Hulse, C. C. V. Ketcham.

Remarks.

Number ballots of each kind is indicated opposite name of each candidate.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE ——— OF THE TOWN OF HIGHLANDS.

Governor (total).....	196
Flower.....	79
Fassett.....	110
Bruce.....	3
DeLeon.....	4

Senator (total).....	192
Lamont.....	78
Richardson.....	111
Seely.....	3
Blank.....	0

R. plurality 33.

Justice of Sessions (total).....	192
Stevens.....	79
Bull.....	110
Talbott.....	3
Blank.....	0

emoranda of ballots attached	196
raight Democratic	71
raight Republican	103
raight Prohibition	3
raight Labor	4
plit tickets	15

Names of inspectors: J. O. Drew, H. F. Bock, Henry Marvins.

Remarks.

Does not give number of district, but indorsed "No. 2."

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE — OF THE TOWN OF HIGHLANDS.

overnor (total)	179
lower	84
assett	89
ruce	3
eLeon	3

enator (total)	177
amont	84
ichardson	90
ely	3
lank	0

R. plurality 6.

justice of Sessions (total)	178
evens	85
ull	90
albott	3
lank	0

emoranda of ballots attached	180
raight Democratic	81
raight Republican	79
raight Prohibition	3
raight Labor	2
plit tickets	15

Names of inspectors: Geo. A. Harris, Chas. Curtis, J. Manley.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF HIGHLANDS.

Governor (total).....	247
Flower	109
Fassett	127
Bruce	9
DeLeon.....	2

Senator (total)	245
Lamont.....	106
Richardson	130
Seely.....	9
Blank	0

R. plurality 24.

Justice of Sessions (total).....	246
Stevens.....	109
Bull.....	128
Talbott	9
Blank	0

Memoranda of ballots attached.....	248
Straight Democrat.....	100
Straight Republican	92
Straight Prohibition	9
Straight Labor.....	2
Split tickets.....	45

Names of inspectors: Wm. E. Rose, J. Denna and Lawrence Gibney.

Remarks.

Heading not filled in; indorsed "First District."

MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT
OF THE — OF THE TOWN OF GOSHEN.

Governor (total).....	209
Flower	95
Fassett	106
Bruce	5
DeLeon	3

Senator (total)	209
Amount	91
Richardson	110
Seely	5
Blank	3
R. plurality 19.	

Justice of Sessions (total)	209
Stevens	98
Hull	100
Walbott	5
Blank	6

Memoranda of ballots attached:

Straight Democrat	76
Straight Republican	76
Straight Prohibition	5
Straight Labor	3
Split tickets	49

Names of inspectors: Jno. H. Staats, Henry F. Kenny and Jno. F. Milby.

Remarks.

Statement of inspectors dated November eleventh that number of ballots were as shown in margin above.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE — OF THE TOWN OF GOSHEN.

Governor (total)	175
Lower	73
Assett	99
Ruce	3
Leon	0
Senator (total)	175
Amount	58
Richardson	114
Seely	2
Blank	1

R. plurality, 56.

Justice of Sessions (total).....	175
Stevens.....	69
Bull.....	96
Talbott.....	3
Blank.....	7
Memoranda of ballots attached.....	98
Straight Democratic.....	49
Straight Republican.....	46
Straight Prohibition.....	3
Straight Labor.....	0
Split tickets.....	0

Names of inspectors: Geo. Hillhills, H. Clark Norton, Fred B. Hock.

Remarks.

Attached ballots are trimmed, but show official indorsement. Statement (November twelfth) by inspectors that they are unable to attach 77 split tickets because they had been "burned according to law."

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF GOSHEN.

Governor (total).....	221
Flower.....	109
Fassett.....	107
Bruce.....	5
DeLeon.....	0
Senator (total).....	221
Lamont.....	87
Richardson.....	128
Seely.....	5
Blank.....	1

R. plurality, 41.

Justice of Sessions (total).....	221
Stevens.....	106
Bull.....	104
Talbott.....	5
Blank.....	6

	Governor.	Senator.
Memoranda of ballots attached.....	221	220
Straight Democratic	109	87
Straight Republican	107	128
Straight Prohibition.....	5	5
Straight Labor.....	0	0
Split tickets.....	0	0

Names of inspectors: Jno. M. H. Coleman, E. P. Redfield, F. J. Hawkins.

Remarks.

The number of ballots of each kind is indicated opposite the name of each candidate.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT OF
THE — OF THE TOWN OF GOSHEN.

Governor (total).....	168
Flower	88
Fassett	77
Bruce (written two).....	20
DeLeon.....	0
Blank	1
Senator (total)	168
Lamont.....	72
Richardson	92
Seely.....	2
Blank	2

R. plurality, 20.

Justice of Sessions (total).....	168
Stevens.....	85
Bull.....	79
Talbott	2
Blank	2

Memoranda of ballots attached.....	146
Straight Democratic	51
Straight Republican	61
Straight Prohibition	2
Straight Labor.....	0
Split tickets.....	21

Names of inspectors: Theo. Smith, S. L. Kniffin, Jas. Scott, Jr.

MEMORANDA OF STATEMENT OF CANVASS IN THE EIGHTH ELECTION DISTRICT
OF THE — OF THE TOWN OF DEERPARK.

Governor (total).....	394
Flower	148
Fassett.....	227
Bruce	15
DeLeon	4
Senator (total).....	394
Lamont.....	150
Richardson	226
Seely.....	15
Blank	3

R. plurality, 76.

Justice of Sessions (total).....	394
Stevens.....	147
Bull.....	223
Talbott.....	15
Blank	9
Memoranda of ballots attached.....	317
Straight Democratic	121
Straight Republican	180
Straight Prohibition	12
Straight Labor.....	4
Split tickets.....	0

Names of inspectors: S. A. J. Conkling, Thad. Mead, W. S. Bevins.

MEMORANDA OF STATEMENT OF CANVASS IN THE SEVENTH ELECTION DISTRICT
OF THE — OF THE TOWN OF DEER PARK.

Governor (total).....	257
Flower	101
Fassett	148
Bruce	5
DeLeon	3

Senator (total).....	254
Lamont.....	100
Richardson.....	149
Seely.....	5
Blank.....	0

R. plurality 49.

Justice of Sessions (total).....	254
Stevens.....	101
Bull.....	148
Talbott.....	5

Memoranda of ballots attached.....	257
Straight Democrat.....	101
Straight Republican.....	148
Straight Prohibition.....	5
Straight Labor.....	3
Split tickets.....	0

Names of inspectors: Moses Dapy, Chas. C. Boyd, Barday S. Marsh.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF DEER PARK.

Governor (total).....	94
Flower.....	38
Fassett.....	53
Bruce.....	2
DeLeon.....	1

Senator (total).....	99
Lamont.....	38
Richardson.....	53
Seely.....	2
Blank.....	0

R. plurality 15.

Justice of Sessions (total).....	93
Stevens.....	37
Bull.....	54
Talbott.....	2
Blank.....	0

Memoranda of ballots attached.....	94
Straight Democrat.....	37
Straight Republican.....	54
Straight Prohibition.....	2
Straight Labor.....	1
Split tickets.....	0

Names of inspectors: Lewis Cuddeback, C. J. Van Inwegen, Jno. M. Thorpe.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE — OF THE TOWN OF CORNWALL.

Governor (total).....	135
Flower.....	59
Fassett.....	64
Bruce.....	11
DeLeon.....	1

Senator (total).....	133
Lamont.....	58
Richardson.....	62
Seely.....	13
Blank.....	0

R. plurality 4.

Justice of Sessions (total).....	133
Stevens.....	55
Bull.....	63
Talbott.....	15
Blank.....	0

Memoranda of ballots attached.....	135
Straight Democratic.....	59
Straight Republican.....	63
Straight Prohibition.....	11
Straight Labor.....	1
Split tickets.....	0

Names of inspectors: C. C. Terry, E. J. Benjamin, Eugene Barton.

Remarks.

Affidavit dated November twelfth that return is correct and explaining change of one vote in red ink on Rosendale, Danforth and Schenck.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE ——— OF THE TOWN OF CORNWALL.

Governor (total).....	271
Flower	111
Fassett	147
Bruce	12
DeLeon.....	1

Senator (total).....	267
Lamont.....	106
Richardson	149
Seely.....	12
Blank	0

R. plurality 43.

Justice of Sessions (total).....	266
Stevens.....	107
Bull.....	147
Talbott	12
Blank	0

	Governor.	Senator
Memoranda of ballots attached	271	267
Straight Democratic	111	106
Straight Republican	147	149
Straight Prohibition	12	12
Straight Labor	1	0
Split tickets.....	0	0

Names of inspectors: Chas. E. Miller, Jno. W. McCauley, H. J. Van Duzer.

Remarks.

The number of ballots of each kind is indicated opposite the name of each candidate.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF CORNWALL.

Governor (total)	329
Flower	145
Fassett	161
Bruce	23
DeLeon	0
Senator (total)	328
Lamont	143
Richardson	157
Seely	28

R. Plurality 14.

Justice of Sessions (total)	329
Stephens	143
Bull	157
Talbott	29
Memoranda of ballots attached	288
Straight Democratic	131
Straight Republican	136
Straight Prohibition	21
Straight Labor	0
Split tickets	0

Names of inspectors: Chas. S. Atwood, Rob't. Mitchell, Rob't. Cleland.

Remarks.

Attached ballots are trimmed.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE TOWN OF CHESTER.

Governor (total)	203
Flower	84
Fassett	113
Bruce	6

Senator (total)	201
Lamont	85
Richardson	110
Seely	6
R. Plurality 25.	
Justice of Sessions (total)	200
Stevens	85
Bull	107
Talbott	8
Momoranda of ballots attached	203
Straight Democrat	80
Straight Republican	103
Straight Prohibition	4
Straight Labor	0
Split tickets	16

Names of inspectors: Geo. R. Vail, D. W. Miller, C. F. Wood.

Remarks.

The sixteen split tickets have La Mont paster for senator and are otherwise Republican.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF BLOOMING GROVE.

Governor (total)	245
Flower	78
Fassett	145
Bruce	19
DeLeon	2
Defective	1
Senator (total)	245
Lamont	81
Richardson	141
Seely	21
Blank	2

R. plurality 60.

Justice of Sessions (total).....	245
Stevens.....	79
Bull.....	141
Talbott.....	19
Blank.....	6
Memoranda of ballots attached.....	217
Straight Democratic.....	72
Straight Republican.....	128
Straight Prohibition.....	15
Straight Labor.....	2
Split tickets.....	0

Names of inspectors: E. J. M. Laughlin, Chas. H. Tuthill, Henry C. Brooks.

STATE OF NEW YORK, }
 ORANGE COUNTY CLERK'S OFFICE. } ss.:

I, William G. Taggart, clerk of Orange county, do hereby certify that the foregoing are correct extracts from the election returns filed in my office on the 16th day of November, 1891, from the following districts: First district of the town of Wallkill; third district of the town of Wallkill; probably fourth district of the town of Warwick; third district of the town of Warwick; first district of the town of Tuxedo; second district of the town of New Windsor; second district of the fourth ward of the city of Newburgh; third district of the fourth ward of the city of Newburgh; third district of the town of Newburgh; first district of the town of Woodbury; fourth district of the town of Newburgh; second district of the town of Newburgh; first district of the fourth ward of the city of Newburgh; first district of the third ward of the city of Newburgh; second district of the third ward of the city of Newburgh; second district of the second ward of the city of Newburgh; third district of the second ward of the city of Newburgh; fourth district of the second ward of the city of Newburgh; first district of the second ward of the city of Newburgh; seventh district of the first ward of the city of Newburgh; second district of the first ward of the city of Newburgh; fourth district of the first ward of the city of Newburgh; fifth district of the first ward of the city of Newburgh; first district of the town of Mount

Hope; fourth district of the town of Montgomery; third district of the town of Montgomery; first district of the town of Montgomery; second district of the town of Montgomery; second district of the fourth ward of the city of Middletown; third district of the fourth ward of the city of Middletown: first district of the fourth ward of the city of Middletown; second district of the third ward of the city of Middletown; third district of the second ward of the city of Middletown; second district of the second ward of the city of Middletown; second district of the first ward of the city of Middletown; first district of the first ward of the city of Middletown; second district of the town of Highlands; third district of the town of Highlands; first district of the town of Highlands; fourth district of the town of Goshen; third district of the town of Goshen; second district of the town of Goshen; first district of the town of Goshen; eighth district of the town of Deerpark; seventh district of the town of Deerpark; second district of the town of Deerpark; third district of the town of Cornwall; second district of the town of Cornwall; first district of the town of Cornwall; first district of the town of Chester; first district of the town of Blooming Grove.

Witness my hand and seal of office, this 1st day of March,
[L. S.] A. D., 1892.

W. G. TAGGART,
Clerk.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF BLOOMING GROVE.

Governor (total).....	245
Flower	78
Fassett	145
Bruce	19
De Leon	2
Defective	1
Senator (total).....	245
Lamont.....	81
Richardson	141
Seely.....	21
Blank	2

R. plurality 60.

Justice of Sessions (total)	245
Stevens.....	79
Bull.....	141
Talbott	19
Blank	6

Memoranda of ballots attached (28 short).....	217
Straight Democratic	72
Straight Republican	128
Straight Prohibition	15
Straight Labor	2
Split tickets.....	0

Names of inspectors : E. J. M'Laughlin, Chas. H. Tuthill, Henry C. Brooks.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF CHESTER.

Governor (total)	203
Flower	84
Fassett	113
Bruce	6
De Leon.....	

Senator (total).....	201
Lamont.....	85
Richardson	110
Seely	6
Blank	

R. plurality 25.

Justice of Sessions (total).....	200
Stevens	85
Bull.....	107
Talbott	8
Blank	

Memoranda of ballots attached.....	303
Straight Democratic	80
Straight Republican	103
Straight Prohibition	4
Straight Labor	0
Split tickets	16

L. { S. Dem., 80
 { Splits, 16

96

Names of inspectors : Geo. R. Vail, D. W. Miller, C. F. Wood.

Remarks.

The sixteen split tickets have Lamont paster for senator, and are otherwise Republican.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
 OF THE ——— OF THE TOWN OF CORNWALL.

Governor (total)	329
Flower	145
Fassett	161
Bruce	23
De Leon	0
Senator (total)	328
Lamont	143
Richardson	157
Seely	28
Blank	0

R. plurality 14.

Justice of Sessions (total)	329
Stevens	143
Bull	157
Talbott	29
Blank	0

Memoranda of ballots attached, 41 short, (ballots trimmed) ..	288
Straight Democratic	131
Straight Republican	136
Straight Prohibition	21
Straight Labor	0
Split tickets	0

Names of inspectors: Chas. S. Atwood, Robt. Mitchell, Robt. Cleland.

Remarks.

Attached ballots are trimmed.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF CORNWALL.

Governor (total)	271
Flower	111
Fassett	147
Bruce	12
DeLeon	1
Senator (total)	267
Lamont	106
Richardson	149
Seely	12
Blank	0

R. plurality, 43.

Justice of Sessions	266
Stevens	107
Bull	147
Talbott	12
Blank	0

	Governor.	Senator.
Memoranda of ballots attached	271	267
Straight Democratic	111	106
Straight Republican	147	149
Straight Prohibition	12	12
Straight Labor	1	0
Split tickets	0	0

No splits; no statement of number of ballots.

Names of inspectors: Chas. E. Miller, John W. McCauley, H. J. VanDuzer.

Remarks.

The number of ballots of each kind is indicated opposite name of each candidate.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE TOWN OF CORNWALL.

Governor (total)	135
Flower	59
Fassett	64
Bruce	11
DeLeon	1

Senator (total)	133
Lamont	58
Richardson	62
Seely	13
Blank	0

R. plurality, 4.

Justice of Sessions (total)	133
Stevens	55
Bull	63
Talbott	15
Blank	0

Memoranda of ballots attached	135
Straight Democrat	59
Straight Republican	64
Straight Prohibition	11
Straight Labor	1
Split tickets	0

No splits.

S. Dem. 59.

L. 58.

Names of inspectors: C. C. Terry, E. J. Benjamin, Eugene Barton.

Remarks.

Affidavit dated November twelfth that return is correct, and explaining change of one vote in red ink on Rosendale, Danforth and Schenck.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE TOWN OF DEERPARK.

Governor (total).....	94
Flower	38
Fassett	53
Bruce	2
DeLeon.....	1
Senator (total).....	93
Lamont.....	38
Richardson	53
Seely.....	2
Blank	0

R. plurality 15.

Justice of Sessions (total)	93
Stevens.....	37
Bull	54
Talbott	2
Blank	0

Memoranda of ballots attached	94
Straight Democrat.....	37
Straight Republican	54
Straight Prohibition	2
Straight Labor	1
Split tickets.....	0

No splits.

S. Rep. 54.

Rn. 53.

Names of inspectors: Lewis Cuddeback, C. J. Van Inwegen, John M. Thorpe.

MEMORANDA OF STATEMENT OF CANVASS IN THE SEVENTH ELECTION DISTRICT OF THE — OF THE TOWN OF DEERPARK.

Governor (total).....	257
Flower	101
Fassett	148
Bruce	5
DeLeon.....	3

Senator (total)	254
Lamont.....	100
Richardson	149
Seely	5
Blank	0

R. plurality 49.

Justice of Sessions (total).....	254
Stevens.....	101
Bull.....	148
Talbott.....	5
Blank	3

Memoranda of ballots attached.....	257
Straight Democrat	101
Straight Republican	148
Straight Prohibition	5
Straight Labor	3
Split tickets.....	0

No splits.

S. Dem. 101.

L. 100.

Names of inspectors: Moses Dapy, Chas. C. Boyd, Barclay S. Marsh.

MEMORANDA OF STATEMENT OF CANVASS IN THE EIGHTH ELECTION DISTRICT OF THE — OF THE TOWN OF DEERPARK.

Governor (total).....	394
Flower	148
Fassett	227
Bruce	15
DeLeon.....	4

Senator (total).....	394
Lamont	150
Richardson	226
Seely	15
Blank	3

R. plurality 76.

Justice of Sessions (total).....	394
Stevens.....	147
Bull.....	223
Talbott.....	15
Blank.....	9

Memoranda of ballots attached.....	317
Straight Democrat.....	121
Straight Republican.....	180
Straight Prohibition.....	12
Straight Labor.....	4
Split tickets.....	0

No splits.

Seventy-seven short:

Names of inspectors: S. A. J. Conkling, Thaddeus Mead, W. S. Bevins.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF GOSHEN.

Governor (total).....	168
Flower.....	88
Fassett.....	77
Bruce.....	20
DeLeon.....	0
Blank.....	1

Senator (total).....	168
Lamont.....	72
Richardson.....	92
Seely.....	2
Blank.....	2

R. plurality 20.

Justice of Sessions (total).....	168
Stevens.....	85
Bull.....	79
Talbott.....	2
Blank.....	2

Memoranda of ballots attached (22 short).....	146
Straight Democratic	51
Straight Republican	61
Straight Prohibition	2
Straight Labor.....	0
Split tickets	32

Name of inspectors: Theodore Shuit, S. L. Kniffin, James Scott, Jr.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF GOSHEN.

Governor (total)	221
Flower.....	109
Fassett	107
Bruce.....	5
DeLeon.....	0

Senator (total).....	221
Lamont.....	87
Richardson.....	128
Seely	5
Blank.....	1

R. plurality, 41.

Justice of Sessions (total).....	221
Stevens.....	106
Bull.	104
Talbott	5
Blank.....	6

	Governor.	Senator.
Memoranda of ballots attached.....	221	220
Straight Democrat.	109	87
Straight Republican.....	107	128
Straight Prohibition.....	5	5
Straight Labor	0	0
Split tickets.....	0	0

No splits.

Number of ballots not shown.

Name of inspectors: Jas. H. Coleman, E. P. Redfield, F. J. Hawkins.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE — OF THE TOWN OF GOSHEN.

Governor (total).....	175
Flower	73
Fassett	99
Bruce	3
DeLeon	0

Senator (total).....	175
Lamont	58
Richardson	114
Seely	2
Blank	1

R. plurality, 56.

Justice of Sessions (total).....	175
Stevens.....	69
Bull.....	96
Talbott	3
Blank	7

Memoranda of ballots attached	98
Straight Democratic	49
Straight Republican	46
Straight Prohibition	3
Straight Labor	0
Split tickets	0

No splits; 77 short; ballots trimmed.

Name of inspectors: Geo. Hillills, H. Clark Norton, Frank B. Hock.

Remarks.

Attached ballots are trimmed. Statement (Nov. 12) by inspectors that they are unable to attach 77 split tickets because they had been "burned according to law."

MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT
OF THE — OF THE TOWN OF GOSHEN.

Governor (total).....	209
Flower	95
Fassett	106
Bruce	5
DeLeon	3

Senator (total)	209
Lamont.....	91
Richardson	110
Seely	5
Blank	3

R. plurality, 19.

Justice of Sessions (total)	209
Stevens.....	98
Bull.....	100
Talbott	5
Blank	6

Memoranda of ballots attached	209
Straight Democratic	76
Straight Republican	76
Straight Prohibition.....	5
Straight Labor	3
Split tickets.....	49

No ballots attached.

Names of inspectors: John H. Staals, Henry F. Kenny, John F. Crilly.

Remarks.

Statement of inspectors dated, November eleventh, that number of ballots were as shown in margin above.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF HIGHLANDS.

Governor.....	247
Flower.....	109
Fassett.....	127
Bruce.....	9
DeLeon.....	2
Senator (total).....	245
Lamont.....	106
Richardson	130
Seely	9
Blank.....	0

R. plurality 24.

Justice of Sessions (total).....	24
Stevens.....	10
Bull.....	12
Talbott.....	
Blank.....	

Memoranda of ballots attached	24
Straight Democrat.....	10
Straight Republican.....	9
Straight Prohibition.....	
Straight Labor.....	
Split tickets.....	4

1 or 12 over.

Names of inspectors: William E. Rose, J. Denna, Lawrence Gibney

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF HIGHLANDS.

Governor (total).....	19
Flower.....	7
Fassett.....	11
Bruce.....	
DeLeon.....	

Senator (total).....	19
Lamont.....	7
Richardson.....	11
Seely.....	
Blank.....	

R. plurality 33.

Justice of Sessions (total).....	19
Stevens.....	7
Bull.....	11
Talbott.....	
Blank.....	

Memoranda of ballots attached.....	196
Straight Democrat.....	71
Straight Republican.....	103
Straight Prohibition.....	3
Straight Labor.....	4
Split tickets	15

Names of inspectors: J. O. Drew, H. F. Bock, Henry Marius.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT OF
THE ——— OF THE TOWN OF HIGHLANDS.

Governor (total)	179
Flower	84
Fassett	89
Bruce	3
DeLeon.....	3

Senator (total)	177
Lamont.....	84
Richardson.....	90
Seely.....	3
Blank.....	0

R. plurality 6.

Justice of Sessions (total)	178
Stevens.....	85
Bull.....	90
Talbott	3
Blank	0

Memoranda of ballots attached.....	180
Straight Democratic.....	81
Straight Republican.....	79
Straight Prohibition.....	3
Straight Labor.....	2
Split tickets	15

One over.

Names of inspectors: Geo. A. Harris, Chas. Curtis, Jim Manley.

**MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT OF
THE FIRST WARD OF THE CITY OF MIDDLETOWN.**

Governor (total)	18
Flower	8
Fassett	8
Bruce	
DeLeon	

Senator (total)	18
Lamont	8
Richardson	8
Seely	
Blank	

R. plurality 16.

Justice of Sessions (total)	18
Stevens	8
Bull	8
Talbott	
Blank	

Memoranda of ballots attached	18
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	Governor.	Senator
Straight Democratic	85	8
Straight Republican	93	8
Straight Prohibition	5	
Straight Labor	1	
Blank	..	

Number of splits one short.

Number of ballots not shown.

Names of inspectors: John A. Wallace, Oliver G. Hulse, C. C. Ketcham.

Remarks.

Number of ballots of each kind is indicated opposite name of each candidate.

MEMORANDA OF STATEMENT OF CANVASS IN SECOND ELECTION DISTRICT OF
THE FIRST WARD OF THE CITY OF MIDDLETOWN.

Governor (total).....	266
Flower	162
Fassett	88
Bruce	13
DeLeon	2
Blank	1

Senator (total).....	266
Lamont.....	134
Richardson	118
Seely	12
Blank	2

Lamont plurality 16.

Justice of Sessions (total).....	266
Stevens	131
Bull	92
Talbott	12
Blank	31

Memoranda of ballots attached.....	266
Straight Democrat	162
Straight Republican	88
Straight Prohibition	13
Straight Labor	2
Blank	1
Split tickets.....	0

No splits.

Straight Democrat 162.

L. 134.

Names of inspectors: Daniel B. Sweeny, J. Halman, A. E. McIntyre.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE SECOND WARD OF THE CITY OF MIDDLETOWN.

Governor (total).....	207
Flower	59
Fassett	123
Bruce	25
DeLeon	

Senator (total).....	20
Lamont.....	8
Richardson	12
Seely.....	2
Blank	

R. plurality, 68.

Justice of Sessions (total).....	20
Stevens	6
Bull.....	11
Talbott	2
Blank	

R. plurality 68.

Memoranda of ballots attached.....	20
Straight Democrat.....	5
Straight Republican	12
Straight Prohibition	2
Straight Labor	
Split tickets.....	

No splits.

Straight Democrat 59.

L. 57.

Names of inspectors: C. B. Hulse, J. M. H. Little, J. S. Towner.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE SECOND WARD OF THE CITY OF MIDDLETOWN.

Governor (total).....	32
Flower	13
Fassett	16
Bruce	1
DeLeon.....	

Senator (total).....	32
Lamont.....	13
Richardson	17
Seely.....	1
Blank	

R. plurality 44.

Justice of Sessions (total).....	327
Stevens.....	135
Bull.....	168
Talbott.....	21
Blank.....	3

Memoranda of ballots attached.....	327
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Straight Democratic.....	137
Straight Republican.....	169
Straight Prohibition.....	19
Straight Labor.....	2
Split tickets.....	0

No splits; S. Dem. 137; L. 130.

Names of inspectors: R. D. Mapes, Chas. E. Puff, L. G. Wilson.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE THIRD WARD OF THE CITY OF MIDDLETOWN.

Governor (total).....	162
Flower.....	58
Fassett.....	94
Bruce.....	9
DeLeon.....	1

Senator (total).....	162
Lamont.....	61
Richardson.....	93
Seely.....	8
Blank.....	0

R. plurality 32.

Justice of Sessions (total).....	162
Stevens.....	60
Bull.....	93
Talbott.....	9
Blank.....	0

Memoranda of ballots attached	134
Straight Democratic	48
Straight Republican	76
Straight Prohibition	7
Straight Labor	0
Split tickets	2

Twenty-eight short; only two splits.

Names of inspectors: E. B. Quick, G. H. Swalin, H. B. Dill.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE FOURTH WARD OF THE CITY OF MIDDLETOWN.

Governor (total)	288
Flower	128
Fasset	142
Bruce	16
DeLeon	6
Blank	1

Senator (total)	288
Lamont	120
Richardson	144
Seely	17
Blank	7

R. plurality 24.

Justice of Sessions (total)	288
Stevens	124
Bull	135
Talbott	18
Blank	11

Memoranda of ballots attached	224
Straight Democrat	98
Straight Republican	107
Straight Prohibitionist	16
Straight Labor	6
Split tickets	0

No splits.

Sixty-four short.

Names of inspectors: Jas. M. Price, Jonathan L. Suizy, Thos. A. March.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE FOURTH WARD OF THE CITY OF MIDDLETOWN.

Governor (total)	247
Flower	119
Fassett	121
Bruce	6
DeLeon	1

Senator (total)	247
Lamont	113
Richardson	126
Seely	6
Blank	1
Brown	1

R. plurality 13.

Justice of Sessions (total)	247
Stevens	118
Bull	119
Talbott	6
Blank	4

Memorandum of ballots attached	195
Straight Democrat	101
Straight Republican	94
Straight Prohibition	0
Straight Labor	0
Split tickets	0

No splits.

Fifty-two short.

Ballots trimmed.

Names of inspectors: B. O. Wolf, Thos. L. Lane, Wesley Decker.

Remarks.

Attached ballots are trimmed.

Statement by inspectors that they can not obtain Prohibition and Labor tickets to attach.

**MEMORANDUM OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE FOURTH WARD OF THE CITY OF MIDDLETOWN.**

Governor (total).....	1'
Flower.....	1
Fassett.....	1
Bruce.....	1
DeLeon	1

Senator (total).....	1
Lamont.....	1
Richardson.....	1
Seely.....	1
Blank.....	1

R. plurality 14.

Justice of Sessions (total).....	1'
Stevens.....	1
Bull.....	1
Talbott.....	1
Blank	1

Memoranda of ballots attached.....	1'
Straight Democrat.....	1
Straight Republican	1
Straight Prohibition	1
Straight Labor.....	1
Split tickets.....	1

No splits; S. Dem. 81; L. 73.

Names of inspectors: A. Coddington, S. Albert Bull, Geo. Storck

**MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF MONTGOMERY.**

Governor (total).....	2
Flower.....	1
Fassett.....	1
Bruce.....	1
DeLeon.....	1

Justice of Sessions (total).....	1
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Stevens.....	
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Bull.....	
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Talbott.....	
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Blank.....	
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Memoranda of ballots attached.....	1
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Straight Democratic.....	
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Straight Republican.....	
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Straight Prohibition.....	
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Straight Labor.....	
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Split tickets.....	
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No splits; S. Dem. 84; L. 81.

Names of inspectors: Chas. Tice, W. S. Hunter, Chas. J. Kidd.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT OF THE — OF THE TOWN OF MONTGOMERY.

Governor (total).....	3
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Flower.....	1
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Fassett.....	2
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Bruce.....	
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DeLeon.....	
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Blank.....	
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Senator (total).....	3
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Lamont.....	1
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Richardson.....	2
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Seely.....	
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Blank.....	
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R. plurality 120.

Justice of Sessions (total).....	3
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Stevens.....	1
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Bull.....	2
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Talbott.....	
--------------	--

Blank.....	
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Memoranda of ballots attached.....	395
Straight Democratic	109
Straight Republican	228
Straight Prohibition	17
Straight Labor	3
Split tickets.....	30

Ballots trimmed.

Names of inspectors: Samuel McKee, Wm. T. Decker, Philip T. Crist.

Remarks.

Attached ballots are trimmed. Split Democrat 21; split Prohibition 5; split Socialist 2; split Republican 10.

MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT
OF THE — OF THE TOWN OF MONTGOMERY.

Governor (total).....	305
Flower	88
Fassett	200
Bruce	16
DeLeon	0
Blank	1

Senator.....	305
Lamont.....	87
Richardson	201
Seely.....	16
Blank	1

R. plurality 114.

Justice of Sessions (total)	305
Stevens.....	88
Bull.....	200
Talbott.....	16
Blank	1

Memoranda of ballots attached.....	266
Straight Democratic.....	72
Straight Republican	180
Straight Prohibition	14
Straight Labor.....	0
Split tickets.....	0

No splits; 38 short.

Names of inspectors: W. D. Sloan, Cyrus B. Farler, Wm. C. Weller.

Remarks.

Statement by inspectors that there were 38 split ballots.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF MT. HOPE.

Governor (total).....	24
Flower	9
Fassett	11
Bruce	
DeLeon	
Senator (total)	24
Lamont.....	10
Richardson	14
Seely	
R. plurality 36.	

Justice of Sessions (total).....	24
Stevens.....	9
Bull.....	15
Talbott	
Memoranda of ballots attached.....	19
Straight Democratic	7
Straight Republican	11
Straight Prohibitionist.....	
Straight Labor.....	

No splits; 52 short; stubs attached.

Names of inspectors: Jno. Pierson, L. M. Writer, A. J. Cray.

Remarks.

Stubs are still on attached ballots.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE FIRST WARD OF THE CITY OF NEWBURGH.

Governor (total).....	24
Flower	11
Fassett	11
Bruce	
DeLeon	

Senator (total)	243
Lamont.....	114
Richardson	122
Seely.....	6
Blank	1

R. plurality 8.

Justice of Sessions (total).....	243
Stevens.....	116
Bull.....	120
Talbott.....	6
Blank	1

Memoranda of ballots attached.....	243
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Straight Democrat.....	116
Straight Republican	120
Straight Prohibition	6
Straight Labor	1

No splits.

S. Democrat 116.

L. 114.

Names of inspectors: Jas. D. McGiffert, Jas. C. Smith and David J. Hyndman.

MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT OF THE FIRST WARD OF THE CITY OF NEWBURGH.

Governor (total).....	307
Flower	103
Fassett	189
Bruce	10
DeLeon	5

Senator (total)	302
Lamont.....	95
Richardson	197
Seely.....	10

R. plurality 102.

Justice of Sessions (total).....	302
Stevens.....	101
Bull.....	190
Talbott.....	11

Memoranda of ballots attached	239
Straight Democrat.....	79
Straight Republican	148
Straight Prohibition	7
Split tickets.....	5

No splits.

Sixty-eight short.

Names of inspectors: Alanson H. Topping, Robert J. Hill and Jno. Sansbury.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIFTH ELECTION DISTRICT
OF THE FIRST WARD OF THE CITY OF NEWBURGH.

Governor (total).....	232
Flower	76
Fassett	138
Bruce	15
DeLeon	3

Senator (total)	232
Lamont.....	81
Richardson	133
Seely	14
Blank	4

R. plurality 52.

Justice of Sessions (total).....	232
Stevens	76
Bull	136
Talbott.....	14
Blank	6

No splits.

S. Republican 138.

R. 133.

Memoranda of ballots attached.....	232
Straight Democrat.....	76
Straight Republican.....	198
Straight Prohibition.....	15
Straight Labor.....	3
Split tickets.....	0

Names of inspectors: Wm. B. White, E. Farrington, Jno. J McQueston.

MEMORANDA OF STATEMENT OF CANVASS IN THE SEVENTH ELECTION DISTRICT
OF THE FIRST WARD OF THE CITY OF NEWBURGH.

Governor (total).....	246
Flower.....	54
Fassett.....	178
Bruce.....	8
DeLeon.....	6
Senator (total).....	246
Lamont.....	55
Richardson.....	177
Seely.....	8
Blank.....	6

R. plurality 122.

No splits; 1 short.

Justice of Sessions (total).....	246
Stevens.....	55
Bull.....	177
Talbott.....	8
Blank.....	6

Memoranda of ballots attached.....	245
Straight Democrat.....	54
Straight Republican.....	177
Straight Prohibition.....	8
Straight Labor.....	6
Split tickets.....	0

Names of inspectors: Andrew W. Taggart, Wm. H. Hallock, Frank B. Dickson.

Remarks.

Affidavit of Taggart and Hallock that they "made corrections on word blank in election district No. 7 on writing the whole number of votes on tickets and page of said district."

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT OF
THE SECOND WARD, OF THE CITY OF NEWBURGH.

Governor (total)	293
Flower	142
Fassett	144
Bruce	4
DeLeon	3

Senator (total)	290
Lamont	141
Richardson	145
Seely	4
Blank	0

R. plurality 4.

Justice of Sessions (total)	290
Stevens	140
Bull	146
Talbott	4
Blank	0

No splits; sixty-one short.

Memoranda of ballots attached	232
Straight Democratic	111
Straight Republican	114
Straight Prohibition	4
Straight Labor	3
Split tickets	0

Names of inspectors: Willett A. Kidd, Wm. C. Elliott, Jno. T. Smith.

Remarks :

Affidavit of Kidd and Smith, November fourteenth, that there were 232 straight and sixty-one split tickets.

**MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT OF
THE SECOND WARD OF THE CITY OF NEWBURGH.**

Governor (total).....	277
Flower	126
Fassett	141
Bruce	8
DeLeon.....	2

Senator (total).....	274
Lamont.....	123
Richardson	144
Seely	7
Blank	0

R. plurality 21.

Justice of Sessions (total).....	273
Stevens.....	124
Bull.....	142
Talbott.....	7
Blank	0

No splits; 1 over; S. Dem. 126; L. 123.

Memoranda of ballots attached	278
Straight Democratic	126
Straight Republican	142
Straight Prohibition	8
Straight Labor.....	2
Split tickets.....	0

Names of inspectors: Jos. Martine, A. S. Weaver, Chas. O. Barrett.

**MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE SECOND WARD OF THE CITY OF NEWBURGH.**

Governor (total).....	260
Flower	108
Fassett	145
Bruce	3
DeLeon.....	4

Senator (total).....	257
Lamont.....	104
Richardson.....	150
Seely	3
Blank	0

R. plurality 46.

Justice of Sessions (total).....	257
Stevens	105
Bull.....	148
Talbott	4

Memoranda of ballots attached.....	260
Straight Democrat	108
Straight Republican	145
Straight Prohibition.....	3
Straight Labor.....	4
Split tickets.....	0

No splits; S. Dem., 108; L., 104.

Names of inspectors: Hiram Lozier, Isaac B. Lozier, Jas. E. Brady.

MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT
OF THE SECOND WARD OF THE CITY OF NEWBURGH.

Governor (total).....	334
Flower	132
Fassett.....	187
Bruce	14
DeLeon	0
Blank	1

Senator (total).....	334
Lamont.....	127
Richardson	190
Seeley	14
Blank	3

R. plurality 63.

Justice of Sessions (total).....	334
Stevens	132
Bull.....	187
Talbott	14
Blank	1

Memoranda of ballots attached.....	354
Straight Democrat.....	143
Straight Republican.....	197
Straight Prohibition	14
Straight Labor.....	0
Split tickets.....	0

No splits; 20 over; S. Dem., 143; L., 127.

Names of inspectors: Ingham Stuble, Geo. Buchanan, Jas. S. Beahan.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE THIRD WARD OF THE CITY OF NEWBURGH.

Governor (total).....	198
Flower	78
Fassett	110
Bruce	10
DeLeon	
Senator (total).....	198
Lamont.....	78
Richardson	109
Seely	10
Blank	1

R. plurality 31.

Justice of Sessions (total).....	198
Stevens	79
Bull.....	109
Talbott.....	10
Blank	

No splits; 49 short.

Memoranda of ballots attached.....	149
Straight Democratic	54
Straight Republican	89
Straight Prohibition	6
Straight Labor	
Split tickets.....	

Names of inspectors: Wm. N. Biggs, Jos. A. MacDonald, Thomas Harrington.

Remarks.

Affidavit by inspectors that 49 split ballots having been destroyed can not be attached.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE THIRD WARD OF THE CITY OF NEWBURGH.

Governor (total).....	251
Flower	81
Fassett	160
Bruce	8
DeLeon	1
Blank	1

Senator (total).....	251
Lamont	79
Richardson	162
Seely	8
Blank	2

R. plurality 83.

Justice of Sessions (total).....	251
Stevens	81
Bull	160
Talbott	8
Blank	2

No splits; 72 short.

Memoranda of ballots attached	179
Straight Democratic	45
Straight Republican	129
Straight Prohibition	5
Straight Labor	
Split tickets	

Names of inspectors: A. S. Wood, H. W. Waring, John H. Chapman

Remarks.

Witnesses: Geo. V. Henmore, John H. Chapman, Jas. Belknap.

**MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT OF
THE FOURTH WARD OF THE CITY OF NEWBURGH.**

Governor (total).....	241
Flower	110
Fassett	123
Bruce	4
DeLeon.....	3
Blank	1

Senator (total).....	241
Lamont	109
Richardson	124
Seely.....	2
Blank	6

R. plurality 15.

Justice of Sessions (total).....	241
Stevens.....	109
Bull.....	125
Talbott	4
Blank	3

Remarks.

No splits; statement by inspectors that there were 51 splits; S. Dem. 111; L. 109.

Memoranda of ballots attached.....	241
Straight Democrat.....	111
Straight Republican.....	123
Straight Prohibition.....	4
Straight Labor.....	3
Split tickets.....	0

Names of inspectors: Alex. A. Darragh, James J. Fogarty, Jacob Lewis.

Remarks.

Statement by inspectors that there were 51 split ballots.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE FOURTH WARD OF THE CITY OF NEWBURGH.

Governor (total).....	24
Flower	13
Fassett	10
Bruce	2
DeLeon.....	2
Senator (total).....	24
Lamont.....	11
Richardson	12
Seely	2
Blank	1

R. plurality 10.

Justice of Sessions (total).....	24
Stevens.....	13
Bull.....	10
Talbott	2
Blank	2

No splits; 49 short; statement by inspectors.

Memoranda of ballots attached	19
Straight Democrat.....	9
Straight Republican	9
Straight Prohibition	2
Straight Labor	2
Split tickets.....	0

Names of inspectors: Jas. W. Bradley, Chas. A. Beekman, Rob't N Hewitt.

Remarks.

Statement by inspectors that there were 49 split tickets.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE FOURTH WARD OF THE CITY OF NEWBURGH.

Governor (total).....	25
Flower	11
Fassett	12
Bruce	
De Leon.....	

Senator (total).....	251
Lamont.....	110
Richardson	133
Seely	7
Blank	1

R. plurality 23.

Justice of Sessions (total)	251
Stevens.	116
Bull.....	126
Talbott	7
Blank	2

No splits; 1 over; S. D. 118; L. 110.

Memoranda of ballots attached	252
Straight Democratic	118
Straight Republican	126
Straight Prohibition	7
Straight Labor	0
Split tickets....	0
Defective (error).....	1

Names of inspectors : Geo. O. Gardner; Fred Kernahan; Wm. H. Peake.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE — OF THE TOWN OF NEWBURGH.

Governor (total).....	199
Flower	79
Fassett	107
Bruce	11
De Leon	2

Senator (total).....	197
Lamont.....	74
Richardson	113
Seely.....	10
Blank	

R. plurality 39.

Justice of Sessions (total)	198
Stevens	78
Bull	108
Talbott	12
Blank	

No splits; S. D. 79; L. 74.

Memoranda of ballots attached	199
Straight Democratic	79
Straight Republican	107
Straight Prohibition	11
Straight Labor	2
Split tickets	

Names of inspectors: P. W. Howell, Isaac C. Colyer, Alex. Beatties.

MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT
OF THE — OF THE TOWN OF NEWBURGH.

Governor (total)	168
Flower	74
Fassett	88
Bruce	4
DeLeon	2

Senator (total)	168
Lamont	73
Richardson	89
Seely	4
Blank	2

R. plurality 16.

Justice of Sessions (total)	168
Stevens	74
Bull	88
Talbott	4
Blank	2

Memoranda of ballots attached.....	168
Straight Democrat	74
Straight Republican	88
Straight Prohibition	4
Straight Labor	2
Split tickets	0

No splits; S. D. 74; L. 73.

Names of inspectors: Wallace Lozier, Michael Benson, Frederick Decker.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF NEWBURGH.

Governor (total).....	167
Flower	68
Fassett	77
Bruce	22
DeLeon.....	0

Senator (total).....	167
Lamont.....	69
Richardson	76
Seely	22
Blank	0

R. plurality 7.

Justice of Sessions (total).....	167
Stevens.....	68
Bull.....	77
Talbott	22
Blank	0

Memoranda of ballots attached.....	167
Straight Democrat	68
Straight Republican	77
Straight Prohibition	22
Straight Labor	0
Split tickets.. ..	0

No splits; S. R. 77; Rn. 76.

Names of inspectors: Elias P. Griffin, Frank S. Griffin, Lewis W. Miller.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF NEW WINDSOR.

Governor (total).....	163
Flower	74
Fassett	87
Bruce	1
DeLeon	0
Blank	1
Senator (total).....	163
Lamont	74
Richardson	86
Seely	1
Blank	2

R. plurality 12.

Justice of Sessions (total)....	163
Stevens	74
Bull	88
Talbott	1
Blank	0

Only 1 split; 1 short; split is Pro. Alex.; S. Rep. 87; Rn. 86.

Memoranda of ballots attached	162
Straight Democrat.....	74
Straight Republican	87
Straight Prohibition	0
Straight Labor	0
Split tickets.....	1

Names of inspectors: David W. Halstead, Jno. McGregor, Jas. W. Flynn.

Remarks.

The split is a Prob. Alexander.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE TOWN OF TUXEDO.

Governor (total).....	276
Flower	110
Fassett	162
Bruce	4
DeLeon	0

Senator (total)	276
Lamont	115
Richardson	157
Seely	4
Blank	0

R. plurality 42.

Justice of Sessions (total)	275
Stevens	109
Bull	162
Talbott	4
Blank	0

No splits; ballots trimmed.

Memoranda of ballots attached	278
Straight Democrat	112
Straight Republican	162
Straight Prohibition	4
Straight Labor	0
Split tickets	0

Two over; figures changed; S. Rep. 162; Rn. 157.

Names of inspectors: Peter W. Belcher, Jno. Marum, Mahlon J. Brooks.

Remarks.

Attached ballots are trimmed.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE. — OF THE TOWN OF WALLKILL.

Governor (total)	213
Flower	97
Fassett	109
Bruce	3
DeLeon	3
Blank	1

Senator (total)	207
Lamont	98
Richardson	106
Seely	3
Blank	0

R. plurality 8.

Justice of Sessions (total).....	212
Stevens.....	99
Bull.....	107
Talbott.....	6
Blank.....	0

Memoranda of ballots attached.....	212
Straight Democratic.....	97
Straight Republican.....	109
Straight Prohibition.....	4
Straight Labor.....	3
Split tickets.....	0

No splits; S. Rep., 109; Rn., 106.

Names of inspectors: Henry W. Dunning, J. C. Wilber, W. N. White.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE — OF THE TOWN OF WALLKILL.

Governor.....	150
Flower.....	52
Fassett.....	94
Bruce.....	3
DeLeon.....	1

Senator (total).....	150
Lamont.....	50
Richardson.....	94
Seely.....	3
Blank.....	3

R. plurality 44.

Justice of Sessions (total).....	150
Stevens.....	51
Bull.....	95
Talbott.....	3
Blank.....	1

Memoranda of ballots attached	150
Straight Democratic	52
Straight Republican	94
Straight Prohibition	3
Straight Labor	1
Split tickets	0

No splits; S. Dem., 52; L., 50.

Names of inspectors: Wm. H. Winfield, Emmett L. Bull, Geo. F. Hunter.

MEMORANDA OF STATEMENT OF CANVASS IN THE (PROBABLY) FOURTH ELECTION
DISTRICT OF THE — OF THE TOWN OF WARWICK.

Governor (total)	311
Flower	145
Fassett	161
Bruce	5
DeLeon	0

Senator (total)	307
Lamont	150
Richardson	152
Seely	5
Blank	0

R. plurality 2.

Justice of Sessions (total)	311
Stevens	146
Bull	160
Talbott	5
Blank	0

Memoranda of ballots attached	311
Straight Democrat	137
Straight Republican	126
Straight Prohibition	5
Straight Labor	0
Split tickets	43

District not stated.

Names of inspectors: John D. Smith, I. E. Holby, Geo. P. Wood.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE — OF THE TOWN OF WARWICK.

Governor (total)	338
Flower	160
Fassett	166
Bruce	8
DeLeon	4
Senator (total)	333
Lamont	161
Richardson	164
Seely	8
Blank	0

R. plurality 3.

Justice of Sessions (total)	334
Stevens	162
Bull	164
Talbott	8
Blank	0

Memoranda of ballots attached	337
Straight Democrat	146
Straight Republican	139
Straight Prohibition	8
Straight Labor	3
Split tickets	41

One short.

Names of inspectors: Ira D. Smith, Frank T. Wildrick, H. K. Wood.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF WOODBURY.

Governor (total)	356
Flower	99
Fassett	240
Bruce	15
DeLeon	2

Senator (total)	350
Lamont	121
Richardson	216
Seely	11
Blank	2

C. F. LaMont

R. plurality 95.

Justice of Sessions	354
Stevens	98
Bull	239
Talbott	17
Blank	0

No ballots attached.

Names of inspectors: Millard F. Earl, Isaiah Hunter, Wm. B. Barclay.

Remarks.

Affidavit of inspectors November twelve, that ballots can not be attached because they were destroyed, but that statement is correct.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE ——— OF THE TOWN OF BETHEL.

Governor (total)	201
Flower	79
Fassett	112
Bruce	2
DeLeon	8

Senator (total)	193
Lamont	81
Richardson	110
Seely	2
Blank	0

R. plurality 29.

Justice of Sessions (total)	191
Stevens	79
Bull, Barringer	112
Talbott, Ingraham	0
Blank	0

Memoranda of ballots attached	19
Straight Democratic	7
Straight Republican	10
Straight Prohibition	2
Straight labor	8
Split tickets	1

Only five splits; six short; S. D. 76; L. 81; S. R. 104; R. 110.

Names of inspectors: Jas. H. Colwell, Wm. Smith, J. J. Bradley

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE TOWN OF BETHEL.

Governor (total)	214
Flower	82
Fassett	120
Bruce	8
DeLeon	4
Senator (total)	212
Lamont	82
Richardson	122
Seely	7
Blank	0

R. plurality 39.

Justice of Sessions (total)	205
Stevens	82
Bull	122
Talbott	
Blank	

Memoranda of ballots attached	21
Straight Democratic	7
Straight Republican	10
Straight Prohibition	2
Straight Labor	8
Split tickets	24

Three over; five inspectors.

Names of inspectors: Geo. Anderson, W. H. Carley, Henry Goldsmith, Seth Olmstead, C. E. DeKay.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE TOWN OF FALLSBURGH.

Governor (total)	321
Flower	155
Fassett	153
Bruce	10
DeLeon	3
Senator (total)	317
Lamont	151
Richardson	156
Seely	10
Blank	0

R. plurality 5.

Justice of Sessions (total)	305
Stevens	151
Bull	154
Talbott	
Blank	

No splits; 44 short; S. D. 131; L. 151; S. R. 132; R. 156.

Memoranda of ballots attached	277
Straight Democratic	131
Straight Republican	132
Straight Prohibition	10
Straight Labor	3
Split tickets	0
Rejected	1

Names of inspectors: Chauncey N. Avery, O. E. Leroy, W. H. Turner.

Remarks.

One marked ballot attached as voted with a note by inspectors.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT OF
THE — OF THE TOWN OF LIBERTY.

Governor (total)	229
Flower	79
Fassett	138
Bruce	9
DeLeon	2
Blank	1

Senator (total)	229
Lamont.....	79
Richardson	138
Seely.....	9
Blank	2

R. plurality 60.

Justice of Sessions (total)	229
Stevens.....	77
Bull	138
Talbott.....	14
Blank	0

No splits.

Memoranda of ballots attached	229
Straight Democratic	80
Straight Republican	138
Straight Prohibition	9
Straight Labor.....	2
Split tickets.....	0

Names of inspectors: Irving T. Morter, J. M. Hill, D. S. Hill.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT OF
THE — OF THE TOWN OF LIBERTY.

Governor (total).....	181
Flower	70
Fassett	96
Bruce	10
DeLeon.....	5

Senator (total)	174
Lamont	70
Richardson	98
Seely.....	11
Blank	0

R. plurality 23.

Justice of Sessions (total)	165
Stevens	70
Bull	95
Talbott	
Blank	

No splits; S. D., 71; L., 70; S. R., 90; R., 93.

Memoranda of ballots attached	181
Straight Democratic	71
Straight Republican	90
Straight Prohibition	14
Straight Labor	6
Split tickets	0

Names of inspectors: J. B. Carrier, Joel Crispell, J. B. Nichols.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE ——— OF THE TOWN OF LIBERTY.

Governor (total)	149
Flower	53
Fassett	79
Bruce	16
DeLeon	1
Senator (total)	148
Lamont	50
Richardson	81
Seely	17
Blank	0

R. plurality 31.

Justice of Sessions (total)	128
Stevens	52
Bull	76
Talbott	0
Blank	0

Number of ballots not shown.

	Governor.	Senator.
Memoranda of ballots attached.....	49	148
Straight Democratic	53	50
Straight Republican	79	81
Straight Prohibition	16	17
Straight Labor	1	0
Split tickets	0	0

Names of inspectors: Jas. H. Durne, Cyrus Gray, Jr., D. E. Steuart.

MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT
OF THE TOWN — OF LIBERTY.

Governor (total)	154
Flower	65
Fassett	78
Bruce	5
DeLeon.....	6
Senator (total).....	149
Lamont.....	54
Richardson.....	89
Seely.....	6
Blank.....	0

R. plurality 35.

Justice of Sessions (total).....	142
Stevens	64
Bull.....	78
Talbott	0
Blank.....	0

Number of ballots not shown.

Memoranda of ballots attached.....		<u>154</u>
	Governor.	Senator.
Straight Democratic.....	65	54
Straight Republican.....	78	89
Straight Prohibition.....	5	6
Straight Labor.....	6	0
Split tickets.....	0	0

Names of inspectors: Seth Ennis, Melvin L. Joyner, Wakeman F. Barton.

Remarks.

Attached ballots still have the stubs on them.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE — OF THE TOWN OF ROCKLAND.

Governor (total)	146
Flower	60
Fassett	81
Bruce	3
DeLeon	2
Senator (total)	144
Lamont	59
Richardson	82
Seely	3
Blank	0

R. plurality 23.

Justice of Sessions (total)	141
Stevens	59
Bull	82
Talbott	0
Blank	0

Memoranda of ballots attached	146
Straight Democratic	60
Straight Republican	82
Straight Prohibition	3
Straight Labor	2
Split tickets	0

Colored ballots attached.

Names of inspectors: Samuel Lord, Ira Martin, Peter Millspaugh.

Remarks.

Attached ballots are yellow or brown.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF MAMAKATING.

Governor (total)	247
Flower	94
Fassett	144
Bruce	5
DeLeon	4

Senator (total)	247
Lamont	97
Richardson	140
Seely	4
Blank	6

R. plurality 43.

Justice of Sessions (total)	247
Stevens	92
Bull	145
Talbott	10
Blank	0

Memoranda of ballots attached	247
Straight Democratic	94
Straight Republican	144
Straight Prohibition	5
Straight Labor	4
Split tickets	0

No splits; S. D. 94, L. 97; S. R. 144, R. 140.

Names of inspectors: Wm. Hornbeck, W. H. Decker, Chas. Hull-stand.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF MAMAKATING.

Governor (total)	243
Flower	75
Fassett	150
Bruce	11
De Leon	7

Senator (total)	236
Lamont	76
Richardson	148
Seely	12

R. plurality 72.

Justice of Sessions (total).....	224
Stevens.....	75
Bull.....	149
Memoranda of ballots attached.....	243
Straight Democratic	75
Straight Republican	150
Straight Prohibition	11
Straight Labor	7

No splits; S. D. 75, L. 76, S. R. 150, Rn. 148; ballots trimmed.

Name of inspectors: A. B. Page, Patrick McNamee, Jos. McCauley.

Remarks.

Attached ballots are trimmed.

MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT
OF THE ——— OF THE TOWN OF ROCKLAND.

Governor (total).....	78
Flower	33
Fassett	38
Bruce	5
De Leon	2
Senator (total).....	76
Lamont.....	32
Richardson	40
Seely.....	4

R. plurality 8.

Justice of Sessions (total).....	72
Stevens.....	34
Bull.....	38

	Governor.	Senator.
Memoranda of ballots attached.....	78	76
Straight Democratic	33	32
Straight Republican	38	40
Straight Prohibition	5	4
Straight Labor	2	0

Colored ballots; number of ballots not shown

Names of inspectors: J. W. Van Steinbergh, George Preston, Edgar Commer.

Remarks.

Ballots attached are yellow or brown; number of ballots indicated opposite name of each candidate.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE TOWN OF MAMAKATING.

Governor (total).....	172
Flower	67
Fassett	101
Bruce	2
DeLeon	2
Senator (total)	170
Lamont.....	68
Richardson	100
Seely.....	2
Justice of Sessions (total)	168
Barringer.....	67
Ingraham	101

Names of inspectors: John W. Bell, H. O. Kuykendall, Ferris St. John.

Remarks.

The number of votes is shown opposite name of each candidate individually. The Democratic and Republican ballots attached to the returns are not official ballots. The Labor and Prohibition ballots attached are official ballots, but trimmed so the indorsement can not be seen.

STATE OF NEW YORK, }
SULLIVAN COUNTY, CLERK'S OFFICE, } ss. :

I, Richard Gildersleve, county clerk in and for said county, do hereby certify that I have compared the foregoing copy of a portion of election returns of the third district, town of Mamakating with the original now remaining on file in this office, and that the same is a correct transcript therefrom, and of the whole of said original portion.

In testimony whereof, I have hereunto set my hand and affixed
[L. s.] the seal of said county, this 7th day of April, A. D. 1892

RICHARD GILDERSLEVE,

Clerk.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF NEVERSINK.

Governor (total).....	260
Flower	121
Fassett	127
Bruce	10
DeLeon	2

Senator (total).....	259
Lamont	119
Richardson	130
Seely.....	10

R. plurality 11.

Justice of Sessions (total).....	246
Stevens.....	122
Bull.....	124

Memoranda of ballots attached 260

	Governor.	Senator.
Straight Democratic	121	119
Straight Republican	127	130
Straight Prohibition	10	10
Straight Labor.....	2	

No splits; Flower, 121; L., 119; Fassett, 127; R., 130; number of ballots not shown; 5 inspectors.

Names of inspectors: Jno. R. Stanton, N. S. Denmar, C. B. Vantran, O. E. Donaldson, Thos. J. Mullenix.

Remarks.

No ballots indicated opposite each candidate.

MEMORANDA OF STATEMENT OF CANVASS IN THE SECOND ELECTION DISTRICT
OF THE — OF THE TOWN OF THOMPSON.

Governor (total).....	200
Flower	87
Fassett	105
Bruce	6
DeLeon	2

Senator (total)	198
Lamont	87
Richardson	105
Leely	6
Blank	0

R. plurality 18.

Justice of Sessions (total)	189
Stevens	87
Bull	105
Calbott	
Blank	

Memoranda of ballots attached	200
Straight Democrat	87
Straight Republican	105
Straight Prohibition	6
Straight Labor	2
Split tickets	0

Ballots trimmed.

Names of inspectors: Thos. Neil, Frank E. Geraghty and Henry A. St. John.

Remarks.

Attached ballots are trimmed.

MEMORANDA OF STATEMENT OF CANVASS IN THE FIRST ELECTION DISTRICT
OF THE — OF THE TOWN OF THOMPSON.

Governor (total)	182
Flower	75
Fassett	97
Bruce	6
DeLeon	4

Senator (total)	178
Lamont	76
Richardson	96
Leely	6
Blank	

R. plurality 20.

Justice of Sessions (total).....	1
Stevens (Ingraham).....	
Bull (Barrenger)	
Talbott	
Blank	

Memoranda of ballots attached..... 1

	Governor.	Senat
Straight Democrat.....	75	
Straight Republican	97	
Straight Prohibition	6	
Straight Labor	4	
Split tickets.....	2	

Two over; number of ballots not shown.

Ballots trimmed.

Names of inspectors: Herbert E. Barnum, Martin H. Day a
Austin A. Row.

Remarks.

Ballots attached trimmed; number of ballots indicated after na
of each candidate, 6 tickets attached.

L., Flower; R., Fassett; from the two splits.

MEMORANDA OF STATEMENT OF CANVASS IN THE THIRD ELECTION DISTRICT
OF THE TOWN OF THOMPSON.

Governor (total)	
Flower	
Fassett	
Bruce	
DeLeon	

Senator (total)	
Lamont	
Richardson	
Seely	
Blank	

R. plurality 18.

Justice of Sessions (total)	
Stevens	
Bull	

Two over.

Colored ballots.

Memoranda of ballots attached	96
Straight Democrat	24
Straight Republican	46
Straight Prohibition	3
Straight Labor	0
Split tickets	23

Names of inspectors: Isaac A. Weller, Chas. O. Robinson, Chas. H. Stedder.

Remarks.

Attached ballots are yellow or brown.

MEMORANDA OF STATEMENT OF CANVASS IN THE FOURTH ELECTION DISTRICT
OF THE — OF THE TOWN OF THOMPSON.

Governor (total)	306
Flower	135
Fassett	164
Bruce	2
DeLeon	2

Senator (total)	304
Lamont	133
Richardson	166
Seely	2

R. plurality 33.

Justice of Sessions (total)	302
Stevens, Berringer	135
Bull, Ingraham	164

Two short.

Number of ballots not shown.

	Governor.	Senator.
Memoranda of ballots attached	304	
Straight Democrat	135	133
Straight Republican	164	166
Straight Prohibitionist	2	2
Straight Labor	2	1
Split tickets	1	0

Names of inspectors: C. S. Starr, Wm. Coddington, J. W. Decker.

Remarks.

Two ballots attached bearing memoranda of inspectors that they were folded and voted together.

Number of ballots indicated opposite each candidate.

Senator ENDRES.—I will see the chairman of the committee and will notify counsel at what time briefs are to be submitted.

The committee then adjourned.

Subsequently the following briefs were submitted:

CONTESTANT'S BRIEF AND ARGUMENT OF FACTS.

SUMMARY OF VOTES TO BE STRICKEN OUT OF RICHARDSON'S PLURALITY.

I.

VOTES PROVEN TO HAVE BEEN PURCHASED.

Sherman Club, Newburgh	10
See testimony of L. F. Johnson, Matthews, Hasbrouck, B. O. Odell, Jr., Humans and Schoonmaker.	
Chester Club	8
See testimony of Seeley, Peterson, Hunter, Sayer, McGinnis, DeGroat and Miller.	
Port Jervis	8
See testimony Mead, Lindley, Lynch and Odell, of Port Jervis.	
Ryan Club, Newburgh	1
See testimony of Raiser and Goetchus.	
Second district, second ward, Newburgh	
See testimony of Hanna.	
Seventh district, first ward, Newburgh....	6
Floater from Herman's shanty.	
See testimony of Presler, Dickson, Bastian, Warwick and F. Herman.	
Total vote purchased	31

II.

DISTRICTS FOR CORRUPTION AND IRREGULARITY.

Third district, Mamakating, Sullivan County	10
Indorsement of the Republican tickets was for the "First District."	
Discrepancy (41) in statement of total vote.	
See testimony of John Irwin and Farrell.	

First district, Blooming Grove	60
Discrepancy (28).	
Defective ballots not attached.	
First district, Cornwall	14
Trimmed ballots attached to return.	
Discrepancy (41).	
Eighth district, Deerpark	79
Discrepancy (77).	
Electioneering within limits.	
Improper counting of ballots.	
Open purchase of votes.	
See testimony of Morgan, Mead, Odell, P. J. Lynch, Lindley and Dotter.	
First district, Goshen	20
Discrepancy (22).	
Third district, Goshen	56
Trimmed ballots attached to return.	
Discrepancy (77).	
Second district, third ward, Middletown	32
Discrepancy (28).	
First district, fourth ward, Middletown	24
Discrepancy (64).	
Second district, fourth ward, Middletown	13
Discrepancy (52).	
Third District, Montgomery	120
Trimmed ballots attached to return.	
Fourth district, Montgomery	114
Discrepancy (39).	
First district, Mount Hope	39
Stubbs still on ballots attached to return.	
Discrepancy (52).	
Fourth district, first ward of Newburgh	102
Discrepancy (68).	
Watchers counted ballots.	
See Valentine's testimony.	
Fifth district, first ward, Newburgh	52
Electioneering within limits.	
Improper persons allowed behind rail in polling place.	
Democratic inspector drunk.	
Purchase of votes.	
Irregular and improper count of ballots (watchers counted ballots), and general disregard of law.	

See testimony of Deissoroth, June, Mrs. Moran and Mayor Doyle.

Seventh district, first ward, Newburgh.....	177
Irregular and improper registration of voters.	
Inmates of alms-houses voted.	
Wholesale purchase of voters.	
Electioneering within limits.	
Improper count of ballots.	
Improper voting.	
Witnesses, Presler, Dickson, Bastian, Warwick, F. Herman.	
Richardson's plurality was 112, his vote was 177.	
First district, second ward, Newburgh.....	4
Discrepancy (61).	
Electioneering within limits.	
Witnesses, J. Williams, June and Mahoney.	
First district, third ward, Newburgh.....	31
Discrepancy (49).	
Improper electioneering within limit.	
Improper mode of counting ballots (watchers counted ballots).	
Witnesses, Raiser, Fisher, Beggs and McDonald.	
Second district, third ward, Newburgh.....	83
Improper mode of counting ballots (poll clerk counted ballots).	
Inspectors opened ballot-box and removed and destroyed ballots during the day.	
Discrepancy (72).	
Witnesses, Wood, Chapman and Leslie.	
Third district, third ward, Newburgh.....	99
Improper mode of counting ballots.	
First district, fourth ward, Newburgh.....	15
Ballot-box opened, ballots removed and destroyed.	
Witness, Darragh.	
Second district, fourth ward, Newburgh.....	10
Discrepancy (49).	
Electioneering within limits.	
Witness, Rogers.	
First district, Tuxedo.....	42
Trimmed ballots attached to returns.	
Defective ballots not attached.	
Woodbury.....	95

Improper electioneering within limits.

Excluding watcher illegally.

False oath of physical disabilities.

See testimony of John T. Miller and John G. Earl.

Total vote for corruption and irregularities.....	1,37
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Total vote purchased.....	31
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Total number of votes to be stricken from Richardson's plurality.....	1,68
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CONTESTANT'S BRIEF AND ARGUMENT OF FACTS.

IN THE MATTER OF THE CONTEST OF C. FRED LAMONT AGAINST WILLIAM
P. RICHARDSON.

State Committeeman Odell admits of having disbursed more than \$6,450 in Rockland and Sullivan counties and in the first Assembly district of Orange county, \$1,500 of which he received from the State committee and the balance was contributed by the Republican candidates, of whom Richardson was one. In addition to the amount thus received and disbursed he admits that he used a considerable amount of his own money. The amount may best be judged by his statement, "It is something that I do not like to remember; I always forget it as soon as I can." This too is to be taken in the light of his statement of the large amounts of money handled by him every year making it difficult for him to recall such insignificant sums as \$1,500 or \$2,000. Five hundred dollars of this sum he sent to Rockland county, \$1,000 to Sullivan, leaving him the snug sum of \$4,950 to spend in the first Assembly district of Orange, subject to be increased by the amount of the deficiency paid by Odell.

What amount was disbursed in the second Assembly district we were unable to prove because Charles St. John, one of the principal manipulators of the floaters in that district, failed to obey the subpoena of the committee, but from the evidence it is manifest to all that there was as much, if not more disbursed in the second Assembly district as in the first. Ten thousand dollars, then, it is safe to assume was paid out by the Republicans in Orange county to carry the last fall election. A portion of this money was contributed by Mr. Richardson. It is thus brought home to him, and if any bribery is proven he must father it. (See testimony of Odell, Seeley and Sayer.)

First.—As to the bribery proven.

(a.) That the Sherman Club of the city of Newburgh was bought in a body the proof clearly establishes. Every witness from State

Committeeman Odell to the humblest member of the club, save Marcetta, knew the club received \$600, and every member save a bare half dozen received a portion of it. Five dollars and forty-five cents being paid to most of them, some, however, received but three dollars. This club had no rent to pay, it had no furniture, no expenses, owed nothing and had nothing owing it. Why then was \$600 given it unless it was to secure its support to the Republican ticket? The division of the money among the members, the secession of twenty-five or thirty from the Flower Club on account of it, the receipt of the bundle containing 600 one-dollar bills, and the time and mode of distribution are sufficient to convince any one that the money was given for and did obtain the support of the Sherman Club. Their number is variously estimated at from 107 to 160. There were more than 110, for \$600 divided by five dollars and forty-five cents would give 110 and a fraction, but some received less, some as low as three dollars, therefore the number must have been more than that, say 130, the number fixed upon by Odell, to which add the thirty, the accession from the Flower Club, and you have 160, the number at which Matthew fixes it. One hundred and sixty must then be deducted from Richardson's plurality.)

(b.) The Chester Colored Club.

The same is true of this club as of the Sherman, except the amount was not given in a lump, but paid per head, and the price was lower; there was a great depression in the colored market compared with Newburgh. This club was composed of thirty-two members. It was organized for plunder, and it fulfilled the mission for which it was created. It started but a week or two before election, and it did not have time to elect officers because election came too soon. Two members visited George W. Sayer, Democratic candidate for sheriff, and informed him of the nature and object of the organization, and when he found its purpose, he refused to treat with them. The organizer, Peterson, proceeded to Goshen, presumably to interview Richardson, and made arrangements with John G. Walsh, Richardson's friend, by which they were to receive two dollars per head, if they voted right. Richardson and Walsh rode to Chester election morning. Richardson was seen there by Witness Seeley. Walsh interviewed the colored contingent in Redner's barn, and being assured that they had fulfilled their contract to vote for Richardson, he paid them each two dollars. Thirty-two must be deducted from Richardson's apparent plurality.

(c.) The purchase of votes in Port Jervis.

The purchase was not made here in a lump, through clubs and organizations, as in Newburgh and Chester, but the single voter was

manipulated. The testimony, uncontradicted by anyone save Weiss himself, is that he (Weiss) was running floaters all day to the poll that he corralled as many as thirty of these cattle and led them to the slaughter. He is proven to have bought Herman and Gleason. He admits loaning Dotter a dollar election day. It is proven he attempted to bribe others. It is shown that St. John bought four and endeavored to get more. None of this does he deny. The shallow pretense that he did not know he was wanted as a witness will not avail him. The testimony charges him with one of the most heinous crimes known to the election law, viz., bribery. He is the editor and proprietor of a daily newspaper, published at Port Jervis. The testimony given in the contest has been published in every daily newspaper in this senatorial district, including his own. In the columns of his own journal he is charged with the crime of bribery. Does he rush to the defense of his character? Does he ask or demand to be examined before the committee so as to refute these charges? He does nothing of the kind, but sends Judge Van Etten to Albany to testify that he, Van Etten, did not see St. John buy a vote on election day; but when he learns that both parties have agreed to finally submit the case, on a certain day, he conveys to the committee the information through one of the counsel for the sitting member that he did not know until two weeks after the time he was wanted, that he had been subpoenaed. We have shown that Weiss had been arrested for the crime of bribery, and the witnesses against him spirited away; that an affidavit and complaint for bribery had been lodged against St. John. We have shown enough to satisfy any reasonable mind that Bonner lied when he swore he did not purchase the vote of the colored man, Odell, for two dollars. We have shown that at least thirty-five votes were purchased in Deerpark, by St. John, Weiss & Co., and the number must be deducted from Richardson's vote.

(d.) Bribery in the second district of the second ward of Newburg

In this district, one Robert Hanna, Jr., was assistant Republican worker. His employment required him to give Republican pastors voters, and when he ran across a floater, or one who asked him "how much there was in it?" he was to send him to Todd, the man in charge of the Republican party's interest at this poll. He sent Todd five or six who had inquired of him "how much there was in it." Todd interviewed them before they voted, met them immediately after they had cast their ballots and walked them around the corner of the street, out of the sight of Hanna, and then dismissed them. Was this subsequent meeting, between Todd and the voters? Why the secrecy just before dismissing the man? It was to pay him for what

he had done — voted the Republican ticket. Six must come from Richardson.

(e.) The Independent Democratic, or Ryan Club.

In Newburgh there was an organization started last fall, under the name of the Independent Democratic Club. It met in the house of a man named Ryan, and thereby got the name of the "Ryan Club." It is confessed by its organizers that it was conceived for the purpose of making itself felt; that others had received benefits from the political parties, but the members of this organization had received none; therefore they proposed to unite together and see what there was in it. Eighteen persons met and formed an association to procure "wealth," as one testified. A committee was appointed to wait upon both Republicans and Democrats and find which would pay the most. It was subsequently reported that the Democrats were no good and that the Republicans were fairly good. One member admitted that the club received ten dollars from the Republicans, and another that he got two dollars and a half for his vote. There was an attempt to controvert this testimony.

Witnesses are produced who were participants in the crime, who, of course, deny it. With the district attorney of Orange county present, carefully watching the interests of the sitting member, with it in his power to cause the indictment and conviction of any who might admit that they had violated the election laws, it is to be expected these men would deny participation in the crime. The fact, however, still remains that eighteen men did assemble one week before election and effect an independent organization. If it was not for boodle, what earthly object was there of its existence? If it was not for revenue, why was it ever called into being? It is an undoubted fact that the greater portion of the evidence upon which the existence of this club depends, is founded upon the testimony of a person who has suffered the penalty due his offenses, and another who was saved from indictment by the personal intervention of the district attorney. Yet that these eighteen men did meet, a person to preside over their deliberations was selected and that they did adjourn to a future time, is established by witnesses produced by Mr. Richardson. Is it probable that men of the character that these men possessed would organize an independent club for any other purpose than revenue? And is it improbable that a State committeeman who was so lavish in his distribution of wealth as to make a donation of \$600 to a colored club in Newburgh, or have Walsh pay two dollars a head for darkies in Chester, would hesitate to allow his bounty to embrace an independent Democratic club of eighteen? All the circumstances surrounding

the so-called Ryan or Independent Democratic club prove that they were purchased to vote Richardson, therefore eighteen more must be deducted from his plurality. Thus have we shown that over one-half of Richardson's plurality was procured by bribery. That this bribery was effected by Richardson through himself and his agents. That he contributed to the fund that Odell used to corrupt the voters in the first assembly district of Orange county, and was present and supervised the distribution of funds to the colored men in Chester, in the second district.

To this terrible arraignment against the sitting member, what is opposed? It is claimed that some twenty votes were purchased for the contestant in the town of Goshen and about thirteen in the town of Monroe, but there was an abject failure of evidence to support the claim. All the Goshen witnesses, save three, swore that they voted for Richardson, that they received their pasters from Hock, a Republican worker and one (Green) said that Hock paid him for voting. Is there any doubt in the minds of the committee that all the rest who voted with Green shared Hock's bounty? The Goshen vote therefore dwindles to three and they, with all the rest, say that Lamont's name was not mentioned to them.

In Monroe there is no attempt to connect the contestant with Morgan, and as to the others, the whole charge depends upon the testimony of the witness Jones, who admitted that he had been "out of his mind," who is flatly contradicted by two witnesses whom he specifically names (see testimony of Munhall and James Cook), and who offered his evidence to a friend of the contestant for two dollars (see D. R. Mahoney recalled).

It is notorious in Orange county that this man has since been sent to the retreat for the pauper insane in that county.

There is then only the evidence of five votes purchased in the contestant's interest, no attempt to connect the contestant with more than one, and that upon the evidence of a lunatic.

The best answer to any claim that the contestant was associated with any bribery in his interest is to be found in the fact that he offered himself as a witness and that the counsel for the sitting member flatly refused to call him.

Second. Improperly indorsed ballots in the third district of the town of Mamakating.

Much testimony has been given by the sitting member upon this branch of the case, with no apparent object other than to confuse and mystify the charge the contestant makes that none but the Democratic tickets were properly indorsed in this district. Ten or twelve

witnesses have been produced to establish the truth of the testimony given by Charles Norbury, contestant's witness, that the official ballots in the first district of Mamakating were properly indorsed. It was in the third and not the first district that contestant claims the ballots were improperly indorsed. His proof relies almost entirely upon the testimony of John Irwin, however, partially corroborated by the witness Charles Farrell. Irwin swore positively that the Republican, Labor and Prohibition tickets were indorsed "First District" of Mamakating. That he noticed it before the polls opened and called the inspectors' attention to it. That he examined the indorsements upon the four ballots that he took into the booth when he voted, as well as when he went into the booth with four disabled voters, and in each of these five separate cases the Democratic ballot was the only one properly indorsed, third district, and the Republican, Labor and Prohibition tickets were improperly indorsed "First District." Now Irwin either noticed what he swore he did, or he did not. If he did not he committed as rank perjury as anyone ever committed. You must either believe Irwin or brand him as the blackest villain in the country. There is no middle ground to be taken in this matter. He either swore to the truth or committed the vilest perjury possible. Are you prepared to brand him as a perjurer? Was there anything in his manner while upon the witness stand to lead you to form such a judgment of his character? Has any evidence been submitted as to his reputation that would justify you in arriving at such a conclusion? He has always lived in this third district, he is a man of position and standing in that community. No one has or can say aught against his honesty or integrity. Is it reasonable then to believe that one who has passed the meridian of life with character unblemished, just as he is about sinking in his grave, will blacken his soul with willful, corrupt perjury, and that, too, in a matter where he had no personal interest or gain at stake. He swore positively that a certain state of facts existed, which he knows either existed or it did not. If they did not exist he knew full well of their non-existence when he gave his testimony, and that he committed perjury. If they did not exist he is a perjurer of the deepest dye, and must be detected in it. That is the position in which John Irwin is placed if you discredit his testimony. Not so with those who attempted to refute his statements. Their testimony was only negative. They simply did not notice what Irwin saw. They might have noticed it and forgotten it. It might have existed, but it had so entirely passed out of their memory as to be unable to recall it. Their minds were not so much on the indorsement as on the number of ballots they had to receipt for. A

number of reasons will suggest themselves how they could have sworn as they did, and although being mistaken, yet thought they were telling the truth, but not so with John Irwin. His testimony was the truth or a willful lie. It is your duty to harmonize the testimony so as to brand no one as a perjurer, if you can. If you can so view the testimony as to certify that all the witnesses told the truth so far as they knew it or remembered, it is your duty to place that construction upon the evidence given. The only way you can solve this riddle and certify to the intentional truthfulness of all the witnesses is to find that John Irwin did not discover that the Republican, Prohibition and Labor ballots at that poll were indorsed "First District. One or two circumstances will assist in arriving at a correct conclusion on this point. If the three ballots were correctly indorsed why were they not attached to the certificate of the inspectors from that district? Why did the inspectors affix paster ballots to their returns, instead of the official ballot, as the law requires? If the law had been obeyed in this instance, this apparent conflict of testimony would not have arisen. Another circumstance, to be taken into consideration is the haste with which the official who procured these ballots to be printed caused them to be destroyed. If the ballots had been properly distributed, where was the necessity of burning them as soon as the county canvassers had canvassed the vote, as clerk Gildersleeve testified he did. In Orange county, where there is no claim of improperly indorsed ballots, the clerk still has the ballots. This unusual haste manifested by the person charged with a proper distribution of the ballots to destroy the evidence which would prove the truth or falsity of Irwin's testimony must weigh heavily against the probability of the three ballots in this district being properly indorsed.

The fact that pasters and not official ballots were attached to the inspector's returns, that the unvoted ballots were immediately destroyed by the clerk, and the positive testimony of John Irwin, corroborated as it is, by Charles Farrell, must lead you to the conclusion that the Republican, Prohibition and Labor ballots were improperly indorsed. If so, this district comes under the Court of Appeals decision in the Nichols case, and 101 votes must be deducted from Mr. Richardson's plurality.

Thurd.—Irregularities committed in several election districts.

(a.) The seventh election district of the first ward, Newburgh.

This district presents more corruption and disregard of law than any in the senatorial district. Hardly a provision of the election law was observed and every barrier erected by the Legislature to prevent

dishonesty and fraud was publicly disregarded. It commenced with the registration of voters and ended with the inspectors' certificate of the canvass. Bastian's testimony shows that on one day of registration no legal board was present until nearly noon, and until a number had registered. Persons not voting residents of the district were allowed to register, notwithstanding the inspectors were notified of their ineligibility. (See Presler's testimony.) All the male inmates of the alms-house registered and voted, although only two had a voting residence there. (See Dickson's testimony on recall.) Men who were not blind swore to their inability to fix their ballots so as to have Republican workers sent into the booth with them. Persons came out of the booth with their set of tickets spoiled and were told by Republican inspectors to go outside to Herman, a Republican worker and procure a set of pasters. A line of floaters numbering sixty or seventy, were bought by Fred Herman, see Warwick's testimony. The watchers handled ballots (see Bastian and Dickson), and the inspectors adopted a manner of counting the ballots which seemed to be the mode in some districts in Newburgh, but, strange to say, this plan was used only in Republican districts.

The mode was as follows: Each inspector took out a pile of ballots, opened and counted only his pile. He knew not, or had he any means of determining whether his fellow inspectors counted theirs correctly, yet they all three certified to the correctness of the count without attempting to verify the count of the others. The returns of the canvass was irregular and when sent back by the county canvassers for correction, the board of inspectors were not notified to reassemble to make the corrections, but the majority made what corrections they saw fit, without even speaking to the minority representation. Gross and outrageous irregularities were committed here. Barefaced and shameless bribery was perpetrated, flagrant and willful perjury committed in order that Richardson and his party might be successful. Can the beneficiaries of these offenses against law and decency be permitted to enjoy the fruits of these crimes? With such a state of affairs, as was shown to have existed in this district last November, it is not just that the innocent should be made to suffer with the guilty. Those who endeavored to maintain the law should not be made to suffer the same punishment which those who violate the law undergo. Justice, fair play, equity, all demand that the perpetrators of this outrage upon the elective franchise and not the upholders of the law should suffer the penalties for these offenses; therefore we contend that the whole Republican vote of this district should be thrown out.

The 177 votes that Richardson received, should be taken from him. They were procured by fraud, they were obtained by bribery. After this is established, upon what ground can he claim them? Even this corrupt board of inspectors give Mr. Lamont fifty-five votes, and why should he be deprived of them when neither he nor his friends, nor his party did anything to violate the poll or intimidate or purchase or defraud the voter? But if the committee do not see it as we do, then at least the poll must be thrown out and 122 instead of 177 taken from Richardson.

(b.) The fifth district of the first ward.

This is a district in which the contestant claims the Democratic inspector was drunk. This claim is based upon the testimony of two as truthful and reliable men as there are in Newburgh, Messrs. June and Deisseroth. These men were disinterested spectators and in no way party to the offense charged. All the witnesses produced by the sitting member were persons interested around the polls in the interest of the Republican party, except one Bannon, and were *participes criminis* in the matter. If it were untrue, what earthly motive would Captain June have in swearing that McQueston was too drunk to attend to his duties as inspector? How would it benefit the Captain if untrue? He says he could not be mistaken. He judged his intoxication by his actions. He also knew McQueston had been drinking, because he smelled the fumes of whisky on his breath. It was very distinct, and the time that he was so intoxicated was just before time to close the polls. Deisseroth is equally positive with June as to McQueston's intoxication, and Henry Quinn, one of contestant's witnesses, is uncertain whether McQueston was drunk or sober at 4 o'clock. It is admitted by Richardson's witnesses that McQueston was unable to count properly; that he was slow; that when his attention was called to a miscount he immediately made the same blunder over again, so that Taylor, a Republican watcher, took the ballots out of his hands, or, as Taylor testifies: "The Democratic watchers said, 'let Mr. Taylor count the votes;' I said no, I don't care to count them. The other inspectors were impatient at the delay, and then turned around and insisted on my counting that batch of tickets to make them straight, and McQueston then said he would allow it; I showed him where the mistake was which straightened the thing right out and they went along." That there was a bottle of liquor in the rear room, provided by the election officers and that McQueston frequently visited this room; that an altercation arose between White, Republican inspector, and Maher, the Democratic watcher, concerning a bottle of whisky in this rear

room, is proven beyond question. (See Bannon's testimony.) It is but natural that White and Farrington, Taylor and Smith, all those who assisted in making McQueston drunk should swear that he was sober, yet this can not overcome the straightforward testimony of Deisseroth and June. There was a room in the rear of the polling place, entrance to which was through a door in the rear of the booth. Parties were passing in and out of the room all day—officers of the poll, voters and the landlord and his family. (See Deisseroth, June and Foshay's testimony.) Electioneering took place within 150 feet and the voter was corrupted with money. George Rooke was one of the Republican heelers; he made his headquarters at Mrs. Bridget Moran's saloon. The public door was closed, but the private door was open. Rooke and his men were passing in and out all day. Mrs. Moran saw Rooke give one man money. He treated with it. It was a new bill, and she frequently heard the rattling of new bills as Rooke passed something from his hands to those of the men with him. Immediately after a transaction of this kind Rooke would say: "Come, now boys, let's go and vote," and the party would leave. This continued through the whole day. (See Bridget Moran's testimony.) Deisseroth saw Rooke upon several occasions come from Moran's with men whom he would pass over to B. B. Odell, Jr., and by him they would be led to the polls. The watcher (Taylor) counted some of the ballots. (See Deisseroth and Taylor's testimony.) So great was the disorder and disregard of law in this district, that complaint was made to the mayor that illegal voting was going on in this district, that he sent the marshal and a policeman there to preserve order. (See Mayor Doyle's testimony.) The inspectors adopted the same mode of counting ballots as in the seventh district, each one taking out a pile and only counting those in his pile; the illegality of which will be discussed hereafter. All these infractions of the law must compel the committee to disregard entirely the vote in this district and thereby deduct fifty-two from Richardson's plurality.

(c.) As to opening ballot boxes while the election was progressing.

At three polls in the city of Newburgh, while the election was progressing, the ballot boxes were opened in the first district of the first ward, second district of the third ward, and first district of the fourth ward.

In the first district of the first ward, the ballot boxes were opened just after the polls had opened and when two or three ballots had been cast. They were not touched, or none of the ballots removed or destroyed. (See McCann's and William Ryan's testimony.)

In the district of the third and fourth ward a number of persons had voted and ballots were removed and destroyed by the inspectors.

After a ballot passes from the hands of an inspector of election into the ballot-boxes he loses all control over it, it can not be touched, handled or removed by him until the close of the polls and the canvass of votes commences. Whether put in there by mistake or purposely, it is the same, the inspector's jurisdiction over it ceases, except to guard the poll and box and see that no ballots are removed. It is the handling and removing of ballots which constitutes offense, not simply opening the box. The law expressly provides what shall be done if a ballot or ballots improperly are placed or get into the box. As soon as the box is opened the inspectors without unfolding or opening the ballots shall count them and if they tally with or are less than the poll list, they shall proceed to canvass the vote; if they over-run the poll list, they shall be returned to the box and a person shall be blind-folded who shall draw from the box as many ballots as there are in excess of the poll list. This is the provision made by law to govern just such cases as happened in the third and fourth wards of Newburgh. The first district of the fourth ward should be rejected on this account. But there are additional reasons why the second district of the third ward should be rejected. Here the poll clerks counted the ballots as well as the inspectors, and each person counted just the pile he took from the general pile, as the inspectors did in the seventh and fifth districts of the first ward. The legality of this mode of counting, as well as any person, save an inspector participating in the count, will be discussed hereafter. These two polls must be rejected fifteen and eighty-three. Fifteen for the first district, and eighty-three for the second district of the third ward, making ninety-eight.

(d.) First district third ward.

Here there was public electioneering within 150 feet of the poll. (Raiser and Fisher's testimony.) Ballot clerks as well as inspectors counted; each inspector counted but the single pile taken by him. (See Begg's and McDonald's testimony.) Here Richardson's majority was thirty-one.

(e.) Third district third ward.

The inspectors of election counted only the pile drawn from the general heap and did not count all the votes cast. Richardson's plurality was 99.

(f.) Fourth district first ward.

The watchers participated in the count. (See Valentine's testimony.) Richardson's plurality 102.

(g.) Town of Woobury.

In the town of Woodbury there was electioneering within 150 feet of the polls. Men swore to physical disability, who had none. The Democratic watcher having his credentials was improperly excluded from the polls, half a day. (See John T. Miller and John G. Earl's testimony.) This alone should throw out Woodbury. Richardson's plurality was 95.

Sections 5 and 7, chapter 56, Laws of 1880.

(h.) Eighth district of the town of Deerpark.

In this district the inspectors counted simply the pile each withdrew from the general pile and no one inspector counted all the ballots. Bribery was proven here. St. John, Bonner, Weiss & Co., were caught openly purchasing votes. Public electioneering within 150 feet of the polls is shown. This district must be thrown out for the above reasons. It gave Richardson 76 plurality.

THE RETURNS.

I.

TRIMMED BALLOTS.

To the return from each of the following election districts are attached narrow ballots, varying in width from two one-half to three one-half inches, which are by the inspectors certified to be like the ballots received, voted and counted.

The pluralities of these districts are also given:

	Richardson
First election district, town of Cornwall.....	14
Third election district, town of Goshen.....	56
Third election district, town of Montgomery.....	120
First election district, town of Tuxedo.....	42
Second election district, town of Mamakating.....	72
First election district, town of Thompson.....	20
Second election district, town of Thompson.....	18

II.

STUBS ATTACHED.

To the return from each of the following election districts are attached official ballots with the stubs still upon them, which are likewise certified by the inspectors.

	Richardson.
First election district, town of Mount Hope.....	36
Fourth election district, town of Liberty.....	35

III.

COLORED BALLOTS.

To the return from each of the following election districts are attached ballots of various colors, white, yellow and brown, which are certified by the inspectors to be like the ballots received, voted and counted.

	Richardson
Third election district of town of Rockland.....	23
Fourth election district of town of Rockland.....	8
Third election district of town of Thompson	18

IV.

DISCREPANCIES.

* In the return from each of the following named election districts a marked discrepancy arises between the total number of ballots as shown by the certificate required by law upon the ballots attached to the return.

In this list all minor discrepancies which may have occurred by clerical or other slight error have been ignored and in no case is the discrepancy less than twenty.

The subjoined list shows the amount of the discrepancy in each case and the plurality in each:

	Amount of district.	Richard- son's plurality.
First district, Blooming Grove	28	60
Eighth district, Deerpark.....	77	76
First district, Goshen	22	20
Second district, third ward, Middletown	28	32
First district, fourth ward, Middletown	64	24
Second district, fourth ward, Middletown	52	13
Fourth district, Montgomery.....	39	114
Fourth district, first ward, Newburgh.....	68	102
First district, Second ward, Newburgh.....	61	4
Fourth district, Second ward, Newburgh.....	20	63
Second district, third ward, Newburgh.....	72	83
First district, third ward, Newburgh.....	49	31
Second district, fourth ward, Newburgh.....	49	10
Second district, Fallsburgh.....	44	5

CONCLUSIONS OF LAW.

The specific grounds for the claim that there should be thrown out 1,627 votes, counted for the sitting member, and upon which his

certificate of election was based in part, and the legal reasons therefor, are as follows :

First.—There are over three hundred votes specifically proven to have been purchased for Richardson, summarized as follows:

1. Sherman Club	160
2. Chester Colored Club.....	32
3. Port Jervis floaters bought by Weiss and St. John.....	35
4. Ryan club.....	18
5. Second district, second ward, Newburgh.....	6
6. Floaters from Herman's shanty	60

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Whatever view the committee may take as to the effect of bribery in throwing out the entire Republican vote in districts where it was practiced by the Republicans, or rejecting the returns, or as to whether either of these two courses shall be followed, one conclusion is certain, in which all must agree, as they least can do, and that is to deduct the votes entirely from the plurality of the sitting member.

The insistence of the contestant is, however, that, as a legal proposition, the sitting member's connection with purchase of three hundred votes, or most of them, in the manner as shown by the statement of facts herein, invalidates his certificate and renders it void on the ground of fraud and public policy.

"In case of bribery on the part of the successful candidate, or his agents, the election may be set aside even though it shall not appear that his majority or plurality was secured by such bribery."

Paine on Elections, Section 479.

Truscott v. Beran, Law Times R. (N. S.), 64.

To illustrate: Assume a candidate for senator should have a plurality of one thousand votes over the opposing candidate, and it should be conceded that he had openly purchased nine hundred and ninety-nine votes, and had a plurality of but one aside from the purchased votes, can there be any doubt as to the invalidity of his certificate of election ?

In a republican form of government, where representatives are the choice of the people, can it be supposed for a moment that the election of a senator can be maintained where he has obtained his certificate by the open and defiant corruption of the voters and has been heard to say that his election was secure, notwithstanding the

fact that he had purchased nine hundred and ninety-nine votes out of a plurality of one thousand?

We submit not. The presumption is strong and indeed the inference irresistible that the voter whom he purchased if uninfluenced by a bribe would have voted against the candidate and thus have changed the result.

Second.— Electioneering within the poll limits is prohibited by the Statute, Laws 1890, ch. 262.

The people of the State, through their representatives in the Legislature, sought by the prohibition cited to check and prevent the reprehensible practice of subjecting voters to the influence of over-zealous workers at the polls, by whom weak voters might be induced, under the excitement of too enthusiastic advice, to vote against their will.

As in the cases shown by the statement of facts herein and especially in the eighth district of the town of Deerpark, how can it be said that there was a free expression of the people's will at the polls? The law was violated in the district named, to an alarming extent. Red-handed was St. John and others caught in the act within the poll limits all day, soliciting and bribing voters in the interests of the Republican candidates. The law was enacted to prevent such practices, and since it is apparent that the Republican workers violated the law, and openly bribed voters all day, the committee can do nothing but give expression to the people's will which made the law by enforcing it and rejecting the Republican vote of the district entirely. In what other way can the committee give effect to the law? In what other way should it? The sooner that any party which practices such openly defiant violations of the law, realizes that it does so at the risk of having its entire vote rejected, the quicker will it desist.

Third.—Counting ballots in piles separately, without each other verifying the count, is no count at all.

The statute says, 'the inspectors shall canvass the votes. It does not say that they shall do so by a partial canvass. It says "canvass the votes," which means all the votes. To permit an inspector to certify a result as being true, when he does not and can not know whether it is true by the manner in which the count was made, is absurd. The result of such a practice, if sanctioned, would open the door to the greatest fraud, and at the same time practically exonerate inspectors from all criminal responsibility for a false certification, as each one would claim on the trial of an indictment, that his count was true, and thus to whom could the blame attach for an intentionally false count?

The integrity of a return based upon a count which all the inspectors say they guess is correct, without knowing it is, is impeached root and branch and should be rejected.

The principle has often been recognized.

See Paine, 653.

Hillman vs. Flanders, Loring and R. Mass., 338.

Allen vs. Crowley, Loring and R. Mass., 368.

Fourth.—In those districts where watchers or poll-clerks handled or counted ballots, the returns must be rejected.

To uphold this practice would establish a precedent that would allow any unofficial person whomsoever to assist in the counting of votes. None but inspectors shall count.

L. 1842, ch. 130, T. 4, sec. 24, as amended L.
1847, ch. 240, sec. 13, and L. 1880, ch. 553,
sec. 2.

Upon such grounds the returns should be rejected.

People vs. Cook, 8 N. Y., 67.

Fifth.—The ejection by the Republican board of inspectors in the town of Woodbury of the Democratic watcher, Irving Washburn Esq., without cause is ground to throw out the entire count. Such an act is conclusive evidence of fraud and there is but one course open, which is to reject the return from that town. The law says that each party is entitled to two watchers (Laws of 1880, ch. 56), and if an election board can exclude a watcher, without cause, they can poll clerks, or either one of the inspectors themselves.

It has been held good ground for rejecting the return, this exclusion of those entitled to be at the polls.

See Paine on Elections, 481.

Delano v. Morgan, 13 dist., Ohio (Cong).

2 Bout, 168.

The refusal to allow the United States supervisor of elections to be present at polls, held to be conclusive evidence of fraud.

Smith v. Shelly.

6 Congressional Election Cases, 40.

Return rejected because supervisor of elections not permitted to be present at poll.

Buchanan v. Manning.

8 Congressional Election Cases, 287.

Smith v. Lilman.

2d. P. 430.

Where the overseers of election were driven away by the election officers, it was held that improper conduct on the part of such officers, would present the only excuse for a desire to keep the overseers away.

Duffe Re. 4 Brews. (Pa.), 531.

Sixth.—The wrongful indorsement of the Republican ballots in the third election district of the town of Mamakating, Sullivan county, by having thereon district No. 1, rendered void all Republican ballots voted.

See *People v. Onondaga Canvassers*, N. Y. Reporter, Jan. 1892, 713.

Seventh.—The returns to which trimmed ballots and ballots bearing stubs are attached should be rejected.

These facts appear upon the face of the returns, and there has been no evidence offered to explain the condition of these returns. They therefore appear before this committee as they were before the board of county canvassers.

It is manifest that the use of the ballots bearing numbers corresponding to those opposite the lists of voters in the hands of the ballot clerks defeats the purpose of the so-called Ballot Reform Law, and instead of maintaining the secrecy of the ballot establishes a systematic record, by which each and every ballot may be identified with certainty.

The extremely narrow ballots attached to the returns in the class of cases first enumerated do not bear the official indorsement required explicitly by the statute, and are not of the width required by law.

Law of 1890, chap. 262, as amended by Laws 1891, chap. 296.

If it is claimed that the irregular width is occasioned by the action of the election officers in making up the return, the objection is not removed.

In trimming the ballots the indorsement is lost and thus the only means recognized by the law for subsequent determination of the indorsement is totally destroyed.

If these returns are admitted, a precedent is thereby established, which furnishes an easy and efficient method, under the sanction of the senate, whereby the systematic frauds of identification by false indorsement, such as occurred in Onondaga county last November, may be securely hidden.

The ballots thus cast should in both classes of cases be excluded from computation by the canvassers.

People v. Onondaga Canvassers.

N. Y. State Reporter, Jan. 1892, 717 and 719.

Eighth. The returns to which ballots of various colors are attached should be rejected.

The statute requires that the ballots shall be of a uniform tint. In each of these cases it appears upon the face of the returns that ballots of various tints were voted and thus all secrecy of the act of voting was removed.

The principle laid down in the cases in this and other States touching a secret ballot requires the exclusion of these ballots.

People v. Onondaga Canvassers. (Cited above.)

In his opinion, in this case, the learned judge (O'Brien) says "Other cases could be cited which hold the principle that ballots cast by electors not conforming to the provisions of a statute intended for the purpose of securing secrecy and which reveal the contents of the ballot or render it capable of subsequent identification are void by force of prohibitions in the statute against receiving and counting them, in substance the same as is to be found in the statute under consideration."

He cites:

State v. McKinnon, 8 Oregon, 493.

Reynolds v. Snow, 67 Cal., 497.

Talcott v. Philbrick, 59 Conn., 472.

Fields v. Osborne, 21 Atl. Rep., 1070.

In re vote Marks, Same, 962.

Ledbetter v. Hall, 62 Mo., 422.

Perkins v. Garroway, 59 Miss., 222.

Steele v. Calhoun, 61 Same, 556.

Ninth. The returns in which a material discrepancy occurs between the total number of votes as shown by the statement in the body of the return and by the certificate on the attached ballots should be rejected.

These returns did not meet the requirements of the law and hence were not returns and not before the board of county canvassers and should be rejected.

The election law of this State prescribes *precisely* what the duties of inspectors of election are in canvassing and returning the votes cast.

It states how the canvass is completed.

It says, "The canvass shall be completed by ascertaining how many ballots of the same kind, corresponding in respect to the names of

persons thereon, and the offices for which they are designated, have been received; and the result being found, *the inspectors shall securely attach to a statement of such canvass, one ballot of each kind, found to have been given for the officers to be chosen at such election, any or either of them, except those given for electors for president or vice-president; and they shall state in words at full length, immediately opposite such ballot and written partly on such ballot and partly on the paper to which it shall be attached, the whole number of all the ballots that were received that correspond with the one so attached, so that one of each kind of the ballots received at such election for the officers then to be chosen, shall be attached to such paper, with a statement of such canvass.*

"They shall also attach to such paper the original ballots rejected by them as being defective which were given at such election.

"The remaining ballots, not so posted or attached, shall be destroyed." L. 1842, ch. 130.

This is the plain language of the law. It is a matter of common knowledge that ballots are marked for identification in such manner as to render them "split tickets," and it is the object of the statute to secure to tribunals investigating the vote cast, evidence of the form, character and kind of ballot which was counted for the officer declared elected. It is impracticable to preserve all the ballots, and the same evidence is secured by preserving a specimen of each kind.

When a specimen of each kind is attached and affixed for preservation, the other ballots not so attached must be destroyed.

The statute itself affirmatively declares that the canvass is not complete till the attachment of ballots as before explained is done, for it says, "The canvass shall be completed by securely attaching ballots," etc.

The formality thus enjoined is not technical. Its disregard enables the returning officers to destroy the very evidence on which depends the validity of the election. To violate this requirement puts it in the power of the returning board to destroy the very ballots which the statute commands shall be by them preserved.

Under the existing law which enacts such particularity and uniformity in the form and kind of ballot to be used as a safeguard against bribery, and since ballots, the form of which are in violation of the statute, are void and must not be counted according to the law as expounded by the Court of Appeals.

It follows as a necessary consequence that any conduct on the part of the officers of the law whether intentional or through official negligence, which defeats the object of the statute in providing for the preservation of the ballot is such as to impeach the integrity of their return.

Where the statute requires return of votes to be signed and attested in a certain way and it was not, it was void and could not be received by the canvassing board.

McCreary, 318.
13 Gray, Mass., 83

Where the provisions of the election law have been disregarded, and the method adopted is such as to render their return unworthy of credit, the return must be rejected.

The return in the first instance, *prima facie* evidence of the result only till impeached.

McCreary, 319 and 324.
1 Chicago Legal News, 230.
1 Bart., 267.
Case of David Bard, C. L. & H. P., 116.

A return may be so uncertain as to be of no validity.

59 Ind., 152.

If the number of *genuine* ballots is uncertain the whole should be rejected.

People vs. Cook, 8 N. Y., 94.

Even carelessness and disregard of the essential or important requirements of the statute will destroy the integrity of the return.

McCreary, 362.
3 Bart., 600.

A discrepancy between the check list and votes declared invalidates return.

McCreary, 363.
50 N. H., 140.
63 Ill., 405.

If the return can be made in disregard of this important requirement and stand entitled to the credit of an official canvass, then any kind of a paper, no matter what, that bears the signature of the board, is *prima facie* proof of the result.

Such a doctrine as this is absurd. Suppose the return did not state when the election was held, nor in what town or district, nor the whole number of votes given; or the number of votes given for each

candidate, but merely said Richardson had a majority of 110, can it be said that such a paper would have the official character of a return?

Such a principle would set at naught the statutes of the State, and vest the returning boards in the election districts of this State with a power to overcome the will of the people by evading the observance of such requirements as the Legislature of the State has deemed proper and necessary.

Again, aside from the logic of the principle which sustains it, there are judicial precedents without limit that declare it and hold that unless an official certificate, by which certain facts are in the first instance thereby presumptively proved, is in the form which the law requires, it can not be admitted in evidence; or if upon its face it is contradictory and uncertain, it must be rejected.

The condition of the return in each instance is such as to throw upon the sitting member the burden of proof to show the regularity of the proceedings of the election board.

Whipley v. McCune, 12 Cal., 352.

Goggin v. Giliner, 2 Cong. El. cases, 70.

Littell & Robbins, Id., 138.

Thompson v. Ewing, 1 Brews. (Pa.), 67.

It is no answer to this argument that the strict enforcement of the law would disfranchise certain election districts in cases where the vote may fairly be assumed to have been honestly cast and counted, but the return produced in its grossly irregular and uncertain condition through the ignorance or blundering of the inspectors, even if it be assumed that the inspectors acted honestly and in good faith, but in ignorance of the law which they are sworn to carry out and obey, it can not be argued from this, that the rejection of the return works an injustice to the electors of the district, for the inspectors are but the agents of the electors from whom they obtain their authority, and it is not reasonable to suppose that any election district is so unfortunate as to contain no suitable men who would act as inspectors. If then the neglect or indifference of the electors leads to the selection of incompetent inspectors, the people must accept the results of their carelessness.

Again, taking the most extreme view of the case it is better that a few election districts should be disfranchised, than that the people of the entire state should be virtually disfranchised by the violation of law in a manner which provides an easy way to the grossest abuses and frauds upon the franchise throughout the State.

Read. People v. Onondaga Canvassers.

N. Y. State Reports, Jan. 1892, 720.

It is better that the election of a senator should fail than that the constitution or laws should be nullified or violated.

Sherwood v. State Board of Canvassers, N. Y.,
State Reporter, Jan., 1892, p. 920.

Read also quotation from Gulich v. New, 14 Ind.,
93, there cited.

Upon the facts and the law as above stated the votes named in the summary statement prefixed to this brief should be rejected 1687 in all, which will leave a plurality of *legal* votes for C. Fred. Lamont of 1080.

Respectfully submitted.

JOHN M. GARDNER,
IRVING WASHBURN,
GRANT B. TAYLOR,
S. E. DIMMICK.

Attorney for Contestant.

BRIEF AND POINTS FOR SITTING MEMBER.

As counsel for the sitting member we feel like protesting against the ruling of the committee, which inhibits us from making an oral argument on the questions of fact, and compels the submission of briefs before the evidence is printed, so that the references to the testimony are practically useless, at least so far as the senate, as the court of ultimate resort, is concerned. It goes without saying that an oral discussion of the issues of fact upon which contradictory testimony has been given is far more satisfactory to the counsel and the parties in interest, and more useful to the court, especially where the testimony is voluminous, than any other course; and a brief containing references to the testimony is of little benefit, unless the tribunal which is to pass upon the issues can readily refer to the printed record, whenever any member may wish to do so.

As the evidence taken before the committee embraces many topics and much detail, it may be well to arrange and classify the testimony relating to the different charges under appropriate heads. Pursuing this plan, we will proceed to examine the most important charges for which the sitting member is sought to be held responsible.

I.—Bribery.

The question of bribery may be considered in two aspects: First, where the candidate and his personal agents have purchased votes or been guilty of corruption; and, secondly, where bribery is perpetrated by other persons without the knowledge or consent of the candidate.

I. Happily for the sitting member there is not a particle of proof anywhere in the case inculcating him, or any of his agents or representatives, with bribery or corruption. No one has appeared among the numerous witnesses to suggest any such charge against him, and the committee will look in vain through the testimony for a scintilla of evidence creating even a suspicion of the offense.

On the other hand, we have positive proof of personal bribery perpetrated in several instances by the contestant.

He is shown by undisputed testimony to have authorized the purchase of votes on his own account; to have furnished money for that purpose, and to have personally paid some of the voters who were purchased in his behalf.

Thomas Jones, who had previously been in the employment of Mr. Lamont, the contestant, for the period of two years, and who had at former elections and town meetings performed similar services for him at his request, testifies that Lamont furnished him with the sum of thirty-five dollars, prior to the last election, to use in his behalf in purchasing votes, and agreed to pay him twenty-five dollars more after election for his services, and that he purchased and paid for seven or eight voters with the money, and obtained four or five more voters at stipulated prices, who were actually paid for their votes by Mr. Lamont in person.

The sums thus agreed to be paid and actually paid to such voters varied from three dollars to five dollars. Jones was a Republican, but at the last election, in pursuance of the agreement with Mr. Lamont, voted the Democratic ticket, and also procured the voters thus purchased to vote the whole Democratic ticket, including Lamont for senator. (See his testimony, pages 918-926, 934, 937, 939.)

He is corroborated by Jacob L. Redner, one of the persons thus purchased, who testifies that he was a Republican, in need of money, and received five dollars from Jones for voting the Democratic ticket, including Mr. Lamont, and that he had previously, at town meetings, voted for Lamont for the office of supervisor, and received money from him expressly for that purpose. (See pages 915-918.)

Mr. James H. Simpson also testifies that Jones agreed to pay him money for voting in favor of Mr. Lamont, but did not fulfill his agreement (pages 913-914), and Jones corroborates the fact, and explains his omission to pay Simpson by testifying that he did not believe that he had really voted for Lamont. (Page 920.)

None of this testimony is directly contradicted, and Mr. Lamont, who was present when it was given, tacitly admits by his silence the truth of the charges thus proved against him.

But there is other testimony equally strong and conclusive. George Hunter, a colored voter, living in the town of Chester, testifies (pages 986-1003) that he was asked to go, and did go, to Bacon's office or building in Goshen, where he met Lamont a few days before election (page 987). Lamont requested him to work and vote for him at the election, and promised to give him ten dollars for doing so. Hunter told him he would, and Lamont thereupon paid him one dollar on account (pp. 987-8, 1002).

Hunter did not vote for him although he received a Lamont paster from one of his workers during the day (pp. 993, 989). Lamont therefore never paid the ten dollars (p. 991). But Hunter obtained the day after election an envelope containing two dollars from L'Amoreaux, an agent of Lamont, to whom he was referred for that purpose by the Lamont worker (pp. 988-9).

An attempt was made to weaken this testimony by producing a paper, purporting to be an affidavit of the witness, controverting his statement. But he denied in the most unequivocal terms that he ever signed or verified it, although he was requested to do so (pp. 993-996, 1002-1003). But neither the justice of the peace nor any of the other persons present, were produced before the committee to contradict his statement, and the inference is irresistible that the transaction at the justice's office was a disreputable trick to capture and "bulldoze" the witness.

Furthermore, Hunter is fully confirmed as to the interview with Lamont by William Ransom, another colored voter, who was present at the time, and with whom Lamont made a similar arrangement, paying him also one dollar "as a starter;" and Ransom performed on his part, *voting* for Lamont as he had promised (pp. 1004-1007). The same trick was attempted with this witness, as with Hunter, to induce him to make an affidavit discrediting his testimony, which utterly failed. He denied that he ever signed or verified the affidavit; and no witnesses were produced to establish the fact (pp. 1008-1013).

It follows that the contestant, even if he has received a majority or plurality of the votes cast for senator in the thirteenth senatorial district, is not entitled to a seat in the senate. "In case of bribery on the part of the successful candidate or his agents, the election may be set aside, even though it shall not appear that his majority or plurality was secured by such bribery."

Paine on Elections, Sec. 479.

Tuscott v. Bevan, 44 Law Times R. (N. S.), 64.

This result necessarily follows from the fundamental maxims of the common law, that "No one shall be permitted to profit by his own fraud, to take advantage of his own wrong, to found any claim upon his own iniquity or to acquire property by his own crime."

Riggs v. Palmer, 115 N. Y., 506.

Bribery at election is a crime at common law.

Paine on Elections, Sec. 479.

Rex v. Pitt, 1 W. Black., 383.

It is no mitigation of the offense that in some instances the voter did not perform his promise to vote for the contestant. The crime is complete when the bribe is offered and accepted, and the voter promises to vote in pursuance of the corrupt contract, although he may break his promise, or may never have intended to perform it.

Paine on Elections, Secs. 490, 492.

Sulston v. Norton, 3 Burr, 1235.

Harding v. Stokes, 2 M. & W., 233.

Henslow v. Fawsett, 3 A. & E., 51.

2. The second aspect in which we are to consider bribery relates to the acts of other persons, without the knowledge or consent of the candidate. This is the only view in which the question is of any importance in its application to the sitting member, and in this view it is necessary to show in order to set aside the election, that the votes effected by corruption were sufficient to change the general result—in other words, that Mr. Richardson's majority or plurality was thus assured.

"Bribery perpetrated by other persons, without the consent or knowledge of the successful candidate, will not ordinarily justify the rejection of the poll, when it shall appear that the result was not thereby changed."

Paine on Elections, Sec. 479.

"A candidate will not be held responsible for improper acts performed by his supporters without his consent or knowledge, unless such acts affect the result of the election."

Paine on Elections, Sec. 488.

Duffy v. Mason, 1 Ells., 361.

We will therefore proceed to consider the various instances of alleged bribery and corruption and the several localities or election districts in which it is claimed to have occurred; first, in behalf of the sitting member; secondly, by or in behalf of the contestant.

(1). Bribery charged to the credit of the sitting member.—The corruption charged against Mr. Richardson principally con-

sists of acts and declarations on the part of representatives of the Republican party, assuming to speak for the organization as such, and not with the view of rendering any special aid or assistance to the candidate for senator. With one or two exceptions, there is no evidence to show how the alleged bribery and corruption affected any given locality or any particular district. The evidence offered on behalf of the contestant, as a rule, simply points to certain subordinate organizations claiming to act in harmony with the Republican party, and alleged to have been unduly influenced by funds furnished by the Republican State committee, without reference to particular election districts.

It will therefore be impossible, as will be subsequently pointed out, to refer to any definite results accomplished in the election districts, or how the voting in any locality was affected by such improper or illegal acts.

We will, however, attempt to classify the evidence under such heads and subjects so as to give a clear and distinct abstract of the testimony touching each of the charges by which the rights of the sitting member are sought to be affected.

a. Sherman Club.

It is claimed on behalf of the contestant that the votes of the members of the Sherman Club were purchased for the Republican ticket. It is an undisputed fact that \$600 in money was given to the club as an organization by Mr. Odell, who was a member of the Republican State committee; and it would seem that this money was subsequently distributed among several of the members of the club. It was not divided among all of the members, because many of them have testified, and their testimony is not disputed, that they received nothing and knew nothing about the money until after this controversy arose concerning the senatorial election. All of the members of the club were Republicans, unless we except such persons (about 22 in number, p. 71) as left the Flower Club and joined the Sherman Club, just prior to the election. The Republicans, if not purchased, would presumably have voted their own ticket, unless they were paid to vote against it, and all the members who have been sworn have confirmed this presumption by their testimony.

The question therefore arises whether this act of the State committee in furnishing money to a Republican club, constitutes bribery within the meaning of the statute. The club was composed exclusively of colored persons in the city of Newburgh, and numbered about 107 members. It was composed of professed Republicans all

of whom intended to support the Republican ticket. They were working in harmony with the Republican organization, and occupied, by express permission, the rooms of another Republican club, composed of white persons, who were also supporters of the Republican party.

It is a matter of common practice and public notoriety that both of the State committees, representing respectively the Democratic and Republican parties, furnish money and means to their subordinate committees and clubs throughout the State in every political campaign, to enable such bodies to pay the incidental expenses of the election and carry on their local organizations, thus making them active and efficient in the general interests of the particular party which they happened to represent or to which they belong.

The local bodies, organized as clubs or committees, require time, work and attention to make them efficient in the cause they are intended to subserve. The local organizations must necessarily act in accordance with their own discretion and judgment in expending money. The simple fact, therefore, that money was furnished by a Republican State committee to the Sherman Club, as a club, and not to the various members composing it, does not sustain the charge of bribery or corruption.

The payment of the money to the Sherman Club was a legitimate expenditure in the usual course to enable the club to become efficient as such, and to advance the interests of the party as a political organization. The club as such could use the money for any legitimate purpose in the exercise of its own discretion; it might retain it in the club treasury, or use it in club expenditures, or in paying expenses on election day, or in distributing it among its members. To prove corruption it is necessary to go farther and show that the money was actually applied to the purchase of votes at the election. Both the State committees furnish means at every election to pay the local committees in the various cities and counties throughout the State, and those moneys as a rule are distributed through various towns and election districts, and to the various clubs, in each of the cities and counties. To hold that such action of the State committees is equivalent to bribery would affect the validity of every election in every district throughout the State. In this case money was given to the club, it was paid over to its treasurer, and nothing further was done until after the election. But very few of the members of the club had any knowledge of the fact that the money had been received until after they had voted, when some of them were informed that the money was to be distributed and that certain amounts could be obtained by them by going to certain individuals.

It is also shown that there was a difference of opinion among the members after it had been received from the State committee as to the use to which it should be applied, some of them favoring its retention in the treasury, and its application to certain purposes for the benefit of the club as an organization, others being in favor of its distribution among the members. The latter view finally prevailed, but it was not until after the election, so that the only votes affected in any event were those members of the club to whom the money was distributed.

There is no proof identifying the particular election districts, in which the members of the Sherman Club cast their votes at the election. None of the witnesses testified on that subject except Matthews, who said that he voted in the first ward of the city of Newburgh without specifying the election district (page 28), and Washington, who says that he voted in the court-house district (pages 3-10), but what the number of that district is does not appear.

It is impossible, therefore, to throw out the vote of any election district on this account. The burden of proof is on the contestant and he must show affirmatively the election districts claimed to have been affected by the bribery in question. Such proof was clearly within his power, as it was only necessary to ask each witness the question where he voted, and if he failed to recollect the district, the fact could have been ascertained by an examination of the poll-lists, and the production of the list on which his name was found. It follows that there is a clear failure of proof of the essential facts to enable the committee or the Senate to throw out any of the election districts where the members of the club may have voted, even if such a course could be pursued in this State under any circumstances. Here, in this respect, we are governed by the principles of the common law, not by special statutory provisions conferring such authority, as in several other States and in England. And upon such a state of facts as we have shown, in the absence of express statutory authority, the decisions are uniform that the entire poll will not be thrown out as long as it is possible to trace and identify the illegal votes. "The rule is well settled that the whole vote of a precinct should not be thrown out on account of illegal votes, if it be possible to ascertain the number of the illegal votes, and the candidate for whom they were cast in order to reject them and leave the legal votes to be counted. Legal votes are not to be thrown out in order to exclude illegal votes unless necessity requires it as the only means of preventing the consummation of a fraud upon the ballot box."

Paine on elections, sec. 510.

Barnes v. Adams, 2 Bart., 760.

But if the rule were otherwise it would still be incumbent on the contestant to trace the voters to their respective election districts in order to bring the case within the rule. He must at least identify the election districts which are tainted with the fraudulent or illegal votes. As that has not been done, we are necessarily remitted to the number of individual voters who were members of the club and were actually influenced by receiving some of the money for their votes.

Nine members of the club were called as witnesses by the contestant, who testified that they received some of the money, varying from three to five dollars apiece; and eight other members, who were sworn as witnesses, testified that they had never received any of the money, and had no knowledge that it was distributed among the other members. Assuming therefore that the payment of this money to the club and its distribution among some of the members amounted to bribery, it would only affect the votes of those members who actually received a portion of the funds, and the contestant must affirmatively show who these members were.

As he has the burden of proof he can not claim that any of the members were unduly influenced except those to whom the payment of the money is directly traced, especially in view of the fact, that about as many members as he called testified that they received no portion of the money.

The following witnesses admitted that they received some of the money after they had voted, some of them on the same day, several on the next day, and one or two several days afterward: Henry Mathews, pp. 21-35; James DuBois, pp. 36-41; James F. Schoonmaker, 41-51; William A. Broadhead, 51-55; Lewis Marvin, 55-59; John J. Hasbrook, 60-69; William Washington, 310-313; Charles F. Simons, 449-450; Henry Humans, 450-454.

The following witnesses, who were members of the club, received no part of the money, and most of them never heard of the payment of the money to the club until the fact came out in this senatorial contest: William Dunn, pp. 156-163; George W. Murray, pp. 152-155; Franklin Arnum, pp. 740-754; Joseph Coon, pp. 887-893; Charles Watkins, pp. 123-124; Henry T. Bell, pp. 739; George R. Marcet, pp. 756-757; Henry Reid, pp. 894-900.

There is no legal evidence that any other members of the Sherman Club than those above named, seventeen in number, offered their votes at the election, and of those eight received no money. But it is immaterial how many of them received money, unless it is followed up by showing that their votes were offered and received at the polls. The committee can not assume without proof that all the other members, or

any of them received their share of the money and voted, although we concede that if it had been proven that they had received money and voted, the presumption would be under the circumstances that they voted for the sitting member, Mr. Richardson. It follows that only *nine* votes can be deducted from Richardson's majority, in any event, on account of the transactions between the Republican State committee and the Sherman Club.

It may be claimed, however, that it is shown by the testimony of Hasbrook, one of the self-inculpatated members of the club, that many others, not sworn as witnesses, were parties to the plot and received money for their votes (pp. 65-68). He named the following persons twenty-one in all, as having received five dollars apiece: Cliff Bodine, Henry Reid, Thomas Schoonmaker, Elias Mahosen, James Dubois, William Johnson, Samuel Thompson, Abe Miller, Samuel Sailor, Thomas Coon, George Brush, George Murray, John DuBois, George Marvin, Noah Carter, Robert Schoonmaker, Al TenBrook, Amos Murray, Charles Murray, Leonard DuBois, Lew Marvin.

Of this list, two names, James DuBois and Lew Marvin, are already included among the nine above named, as having received money by their own admission. This leaves nineteen additional names mentioned by Hasbrook as guilty recipients of money.

Our first observation upon this testimony is, that it is apparent from reading it in connection with what precedes it, and the rambling, incoherent and unintelligible manner in which it was given, as it was evident to the observation of the committee from his appearance on the stand, that Hasbrook was too drunk to appreciate the nature of an oath or his own position as a witness, and his testimony is worthless. We remark, secondly, that the names two persons, George Murray and Henry Reid, who have distinctly testified that they received no part of the money. And no impartial person can read their testimony, (pp. 152, 155, 894, 900) without reaching the conclusion that they are truthful persons. Their plain, direct and artless answers to all the questions must convey conviction to every intelligent reader.

But the conclusive answer to this reckless jumble of testimony is that it is mere heresay. He frankly admitted upon the cross examination that he did not see any money paid to any of the persons named, and knew nothing about it except what they told him (pp. 68-69). The ordinary rules of evidence in judicial tribunals obtain in contested election cases of this character. Hearsay evidence, therefore, is not admissible.

The senate in deciding such a case acts judicially. The exclusive jurisdiction conferred by the Constitution to determine the election of its own members is a part of the judicial power expressly reserved from the courts to which it would otherwise belong. And while it may be exercised by the senate, it must be recognized as a judicial and not a legislative power, and be exercised subject to all the rules of judicial investigation. The senate, therefore, has no constitutional right to ignore the established rules of evidence in judicial proceedings, and it can not refuse to be governed by them. To attempt to do so would be an act of usurpation which we will not impute to that honorable body or to its honored representatives on the committee.

The testimony of Hasbrook on this subject must, therefore, be rejected or ignored as ineffectual for any purpose. The testimony of Mitchell (pp. 299-301) comes under the same condemnation. He merely stated that he was an occupant of a store directly opposite to the house of Dawson, a member of the Sherman Club, and that he observed about sixty colored men congregated in front of Dawson's house in the afternoon of election day, and that he was told by Dawson's son that they were paid five dollars and seventy-five cents apiece. But, as already observed, neither Hasbrook nor Mitchell state, even as hearsay, that any of these persons voted at the election, so that their testimony is inconsequential in any event.

b. The Chester Club.

A similar question, in its general features, is presented by the evidence with reference to the members of the Chester Club, which was also composed of colored men residing in the town of Chester. This club was composed of thirty-two members (p. 318), and it is claimed on behalf of the contestant that their votes were purchased for the sum of two dollars per head.

In this case also there was no proof offered or received showing the election districts in which the members cast their votes, so that the question again is limited to the number of votes actually purchased from the members of the club.

It is undisputed that all the members were Republicans, and would vote the Republican ticket unless special inducements were held out to them to vote otherwise. Here again it was necessary to produce affirmative proof as to each voter who it is claimed was corruptly induced to vote the Republican ticket, and the contestant must be limited to the persons thus specifically proven to have voted from improper influences.

No presumption can be indulged from the fact that some of them received money for their votes, that all the members of the club did

likewise, as it is affirmatively shown and not controverted that some of them did not receive any of the money. William F. Seely so testified (pp. 398-401). Only the following persons, six in number, can therefore in any event be deducted from the vote of the sitting member.

Charles Peterson says he received six dollars (pp. 318, 319). But that was received for going out on the road with his horse one day before election, scouring the country, as compensation for a day's work (pp. 319-323). Peterson also testifies that no one made any contribution to the club that he knew of, and no member received or was paid anything for his vote (p. 322).

Abraham Earles received two dollars on election day. He "hooked up his horse to run the wagon down there to carry the folks to the depot" (p. 403). "Money had nothing to do with my voting" (p. 405).

Stephen Hunter, received one dollar, after he had voted, without any conversation with anyone on the subject, prior to his voting (pp. 405, 406).

Joseph D. McGinnis, received two dollars, in the same manner after voting (pp. 407, 408).

Peter DeGroat said he received two dollars for voting (pp. 409, 410).

Winslow Seely also received two dollars (p. 410-412).

It is unnecessary to enlarge upon this topic, as the principles adverted to in considering the evidence relating to the members of the Sherman Club are equally applicable and controlling here.

(c.) The Ryan Club.

Some claim may also be made that the members of the so-called Ryan Independent Democratic or boodle club was purchased for the Republican ticket. The witnesses to sustain this charge are of the most disreputable character. Raiser, who seems to have graduated at the Michigan penitentiary, and eluded all efforts to "smoke him out" after his first appearance before the committee says there were eighteen persons present at the organization of the club, and that two of these persons, Maher and Foley, afterward told him that the club received ten dollars from the Republicans, and so far as he was able to judge or know from hearsay, they all voted the Republican ticket (pp. 75, 76).

Gutchess, the other witness for the contestant, testifies that the club received no proposal for their votes from either party, and they accordingly disbanded, the members voting as they pleased. He thinks that a majority voted the Republican ticket, but has no knowledge on the subject. He saw no money paid to any of them, and he voted the Democratic ticket (pp. 91-96). He added, however, that

William Riley had told him that he had been paid twenty shillings to vote the Republican ticket, after having first stated that he saw it paid to him and then withdrawing the statement (p. 94).

His testimony is utterly worthless and unreliable, as he seems to have spent the larger portion of his life in the penitentiary and county jail, having been incarcerated in jail thirty-six times (pp. 93, 94, 95). Riley, however, expressly contradicts him as to the fact of his receiving money, and as to any conversation admitting that fact (pp. 760, 761). The statement of Raiser with reference to the organization of the club, the money received and the manner in which the members voted, is expressly contradicted by the other witnesses. It appears that all the persons present on the only occasion they ever met were Democrats except one, and all of them afterward voted the Democratic ticket (pp. 761, 762 and 821-838).

(d.) German Club of Middletown.

It is hardly worth while to spend any time in discussing the evidence relating to this club. The only proof offered is to the effect that the Republican candidate for coroner purchased a keg of beer for the club, some three weeks prior to the election. He had no conversation with any of the members concerning the election or their voting, and the sitting member, Mr. Richardson, had no knowledge of the transaction (pp. 574-576).

There is no proof of the number of members composing the club or of the election districts in which they severally voted. The rule is too well settled to require discussion that "treating" the voters under such circumstances can not effect the validity of the election.

Paine on Elections, sec. 488, and cases cited.

(e.) Alms-house voters, in Newburgh.

We may concede for all the purposes of this controversy, that all of the persons at the alms-house, in the city of Newburgh, were illegal voters, as such a concession must result in a net gain of nine or ten voters for the sitting member.

There were twenty-seven votes from the alms-house, of which only eleven were Republicans and voted the Republican ticket, while the rest, sixteen in number, were Democrats and voted the Democratic ticket (pp. 152, 439-441).

The alms-house is situated in the seventh district of the first ward of the city (p. 98).

Two men were paid five dollars apiece for their day's work in bringing the voters down to be registered in the district where they voted. One of the voters received after election one dollar (pp. 134-137).

The alms-house superintendent, who is a Democrat, appeared before the board of registry and consulted with the board, composed of both parties, who approved of their registration (pp. 98-99).

(f.) Seventh district of the first ward of Newburgh.

The only testimony relating to bribery in this district is that of John Warwick, who states on election day he saw thirty-seven to thirty-nine men whom he regarded as purchasable voters in a little shanty, about 150 to 175 feet from the polls, talking with Fred Herman, who was a Republican worker, and that Herman afterward told him that he had got all of them except four or five, and added, "You know who they are?" "You know what they want." Warwick further testifies that he saw no money paid to any of these voters (pp. 83-88).

Standing alone and uncontradicted this testimony would not be sufficient to make out a case of bribery as to any of the voters in question. There is no competent affirmative evidence on the subject, nothing but hearsay testimony, consisting of the declarations of Fred Herman.

But Warwick is flatly contradicted by Herman as to his admission concerning the purchase of votes, and Herman testifies distinctly that he purchased none of the votes in question (pp. 129-152). He also repudiates the imputation of any illegal expenditures at the election.

(g.) Ninth district of the ninth ward of Port Jervis.

There was no legal evidence of bribery in this district, which resulted in procuring votes for the Republican ticket. The principal witness on the part of the contestant to sustain the charge was Levi Lindley, but his evidence is all surmise and hearsay. He distinctly testifies that he saw no money paid, and had no personal knowledge on the subject (pp. 264-267). He saw Weiss, a Republican voter, talking with a man named Dotter (p. 252). Dotter afterward told him that he had received money from Weiss (pp. 252-255), and the witness thereupon procured the arrest of Weiss, but as Dotter did not appear against him he was discharged (p. 253).

Dotter was afterwards called as a witness and testified that he had received the money and a Republican paster from Weiss, but was not asked to vote the paster, and that he did not vote it. He voted the Democratic ticket, and the Democratic candidate for senator, Mr. Lamont (pp. 289-291).

The election district is Democratic by a large majority, and it went Democratic at the last election by a majority of eighty-six (pp. 259-261).

Another voter, Edward Gleason, was called, who testified that he received one dollar from Weiss and voted the Republican paster in this district and that he saw Weiss pay some money to a man named Frank Herman, but he did not know nor hear them say what it was for (pp. 292-295).

(h.) Port Jervis districts not identified.

Some testimony was given upon the question of bribery in other districts of Port Jervis, which were not identified, to which references will now be made. The testimony of Michael Morgan (pp. 353-358), as to the payment to him of two dollars on election day by Mr. St. John, is immaterial and ineffectual to show bribery, for two reasons: First, he did not vote in the eighth district, ward not mentioned, where he received the money, but in the town of Deerpark, to which town he had recently removed, and there is no proof of the election district in which the vote was cast (pp. 353, 354); second, the vote was not procured for the Republican ticket.

Morgan, as he testified, was a Democrat, and voted the Democratic ticket, including the candidate for senator (pp. 352-358).

The testimony of Winters (pp. 373-378) is equally immaterial for the same reasons: First, there is no evidence designating the election district in which he voted; and, second, he also voted the Democratic ticket.

The case of John Dwyer, upon his own testimony, was held by the committee at the time to be a complete failure of proof, but in that case, also, there was no evidence of the election district in which he voted (pp. 359-362).

The testimony of Detective Thomas Lynch (pp. 485-492) does not mend the matter. His observations took place, as he testifies, in the fifth and eighth districts of the city of Port Jervis, without mentioning the ward or wards (p. 484). Again, all of his testimony touching the charge of bribery is hearsay.

The case of Lorenzo Odell, a colored voter, is peculiar in that there is a direct conflict of testimony between him and William Boner, who is charged with paying Odell two dollars for his vote. There is no possible way of harmonizing their conflicting statements (pp. 379-396).

In any event even if Odell's statement can be accepted as to the fact of bribery it could only affect his own vote, because there is no proof of the election district in which the vote was cast. The evidence is merely that the transaction took place in the eighth district without specifying the ward in which it was located (p. 379).

(2.) Bribery charged against the contestant.

The countervailing evidence on the other hand to sustain the

charge of bribery and corruption against the contestant is far more specific and conclusive. Some of this evidence has already been pointed out in referring to his personal connection with the commission of the crime. We will now call attention to the salient portions of the evidence in the different localities, specifying the particular election districts in which the transactions occurred.

(a.) First district of the town of Monroe.

In this district it is directly proven by the oath of the party himself who was purchased, James Morgan, that he received three dollars from Henry Morehouse for voting a paster with Lamont's name on for senator. He received a Lamont paster to affix to the Republican ticket, which he promised to vote and did vote, and was paid the money for doing so (pp. 737-739).

Lamont resided in the same district (p. 738), and Morehouse was one of his workers at the polls (pp. 735-6). There is no contradiction of this testimony.

(b.) Second district of the town of Monroe.

Thomas Jones, a worker at the polls, employed by Lamont in person (p. 919), and furnished by him with thirty-five dollars in money for that purpose, purchased and paid for seven or eight votes in favor of Lamont, and purchased several more which were paid for by Lamont himself. He names Jabob L. Redner as one of these voters, paying him five dollars, which is corroborated by Redner (p. 915-918, 920). Jones also named two others as the recipients of his bounty, but as they have denied the soft impeachment, we do not include them in the list. We restrict ourselves in this enumeration to the cases established by undisputed evidence.

(c.) Fifth district of the town of Goshen.

Michael Nally was a Lamont worker on election day in this district (p. 949). He offered Joseph Mann, a Republican, a couple of dollars to vote for Lamont, but as Mann had already voted, the offer came too late (p. 962). He succeeded better, however, with George Cummings and Fred Ellis, two voters who came to the polls in the afternoon from Howe's creamery, about a mile distant, in a carriage, evidently sent after them with a messenger for that purpose (pp. 950-961). Cummings reluctantly confessed as a witness on the stand the guilty connivance of all concerned, Nally, Ellis and himself. Ellis and the messenger were in the carriage together before Cummings got in at the creamery, and Ellis informed him in the presence of the messenger on the way to the polls that they would each receive two dollars for their votes (p. 959). They were driven directly to the polls, and voted the Democratic ticket, including

Lamont (pp. 950-951), and then went to Nally's saloon, where he paid two dollars to each of them (pp. 941, 959, 960). After much evasion and prevarication Cummings was obliged to admit that he and Ellis received the money for their votes (pp. 954-957). No one appeared to controvert the story of Cummings.

(d.) Second district of the town of Goshen.

The plot to purchase votes in this district was well conceived and skillfully executed. Charles Low, and Anthony Dusenberry, two colored Republicans in the employment of a Democrat by the name of Wilcox, were each paid five dollars to circulate Lamont pasters on election day. They gave the pasters to twenty-three different different voters, telling them if they voted the pasters and returned the Republican paster as evidence of that fact, they would find an envelope the next day at L'Amoreaux's saloon ready for delivery to each of them (pp. 1013-1016, 1023-1027). And each of them, accepting and returning the Republican paster, did find such an envelope directed to him at the saloon, containing two dollars, which he received and used. As usual in such cases there was cheating on both sides, and some of the recipients of the Lamont pasters and money, voted for Richardson. But the bargain was made, and the money received in each instance, although in six cases it was not performed by the vendee of his vote. George Hunter got the paster and money, but did not vote for Lamont (pp. 989-993); George Brown did likewise (pp. 1020-1); Dusenbury did not vote for Lamont, although he gave out thirteen of his pasters (p. 1024); William Mines voted for Richardson, although he brought back the Republican paster as agreed, and thus gave the requisite proof that he voted for Lamont. This he and the others were enabled to do by a trick arranged with a Republican worker, by which they each received two of those pasters, so that they could each vote one and return the other to the Lamont headquarters (pp. 1029-1032); James Green and Samuel Ransom did likewise (pp. 1033-6, 1040-2). But William Ransom performed his agreement and voted for Lamont and the whole Democratic ticket (p. 1006). And the legal presumption is that all the rest of the purchased voters fifteen in number, voted as they agreed. "If it be shown that an elector, for a consideration, promised, directly or indirectly, to vote for a particular candidate, the presumption will be that he cast his ballot in accordance with such promise."

Paine on Elections, § 483, and cases cited.

Why were not L'Amoreaux and Nally of Goshen, Morehouse and Lamont of Monroe, called to deny their complicity in the bribery to

which it is distinctly proven they were parties? Their silence is a confession of guilt. "When evidence of bribery by an active supporter of the candidate is given, the court will draw unfavorable conclusions from the neglect or refusal of the person so charged, to explain his conduct in the witness box."

Paine on Elections, § 491.

II. SOLDIERS' VOTE IN THE TOWN OF HIGHLANDS.

Something may be claimed on behalf of the contestant in relation to the soldiers' votes at Highland Falls. We understood, however, at the time the evidence was received that the committee practically determined these were legal votes. The question has been up several times before the judges of the Supreme Court, particularly Judges Barnard and Bartlett, of the second district, and these votes have been held valid.

This was so held by Judge Barnard in the case of William Harer, which is the strongest case proved on the part of the contestant. Harer, it seems, had removed to and lived with his family at West Point for two years, but claimed a residence at Highland Falls, and the judge held that he had a right to vote there (p. 365).

John Erne had also lived at West Point many years, but Judge Barnard held that he had a right to vote at Highland Falls (p. 367). The same decision was made by Judge Barnard in the case of Joseph Buchar (p. 369), and upon the announcement of Chairman Roesch that the committee would deem themselves concluded by the decision of the court in these cases, three other witnesses were only formally called and sworn to enable them to draw their fees (pp. 371, 372).

It also appeared that an application was made to the county judge to strike of the registry the names of several soldiers, and that he did take off one by the name of Grover, and refused to strike off any of the others. Grover accordingly did not vote (pp. 255-6).

III. MARKED BALLOTS.

Some evidence was given on the part of the contestant, with a view of showing that there were marked ballots received, in several election districts, which were illegal and under a recent decision of the Court of Appeals, must therefore be deducted from the vote of the sitting member. There was an entire failure of proof to sustain the charge, but it may be well to refresh the recollection of the Committee, by referring to the salient points of the evidence of the evidence, bearing on the question.

1. Town of Mamakating.

It was proved on the part of the contestant, that the Republican sample ballots of the first and third election districts in this town were changed, so that those marked the third district, were found at the polls in the first district and those marked for the first district, were found in the polls in the third district, but there was no evidence whatever that the regular official ballots were exchanged, or that any ballot was voted in either district which was not properly indorsed for that district (pp. 413-418, 442-444). Indeed the contestant proved affirmatively by the witness Norbury who was an inspector in the first election district, that he observed nothing at all irregular in the ballots that were voted in that district, and he participated in counting the ballots (p. 457). There was no case therefore on the contestant's proof for throwing out any of the votes.

But the evidence on behalf of the sitting member affirmatively disproves the implication sought to be drawn from the fact that the sample ballots were exchanged by showing conclusively that in both the first and second districts, the regular official Republican ballots were properly numbered, and were in every respect regular. It was shown by persons who voted the Republican ticket in the first and third districts respectively, by the town clerk who received the ballots when printed from the county clerk, by the messenger who carried the votes to each district from the town clerk's office, by the officers and persons present in each district when the ballots were received, opened, counted and receipted for, that only the sample ballots were exchanged for the two districts, while the official ballots used and voted were regular in every respect (pp. 629-648, 789-802 845-869); and it was also shown that the tickets for each of those districts were properly printed, and forwarded to the county clerk, and by him delivered to the town clerk of Mamakating (pp. 839-842).

2. Town of Monroe.

A single witness who was an inspector of election, was called on behalf of the contestant, to show that there were marked ballots in one of the districts, not identified, in the town of Monroe. He testified that in counting the ballots, he saw three or four that he thought were marked. They were Democratic pasters, with Mr. Richardson's and Mr. McCormic's name inserted. "Mr. McCormic's name was scratched off and Grant B. Taylor's name was written over McCormic's."

The witness did not bring the attention of the inspectors to the fact at the time, and nothing was said about it. These ballots were attached to the returns made to the supervisor (pp. 348, 349), but

this return, we do not find incorporated in the evidence. The fair inference is that the ballots in questions were altered or scratched by the voters, after they were dealt out to them, in the booths, and were not dealt out as marked tickets.

IV. OTHER ALLEGED IRREGULARITIES.

A great many witnesses were called on behalf of the contestant to prove various other alleged irregularities, committed in different election districts of several towns and cities. A brief reference will now be made to some of the most important of these alleged irregularities.

1. Counting of votes by watchers and poll clerks.

It is claimed that in several election districts, the watchers and clerks assisted the inspectors in counting the votes, and in one district counted the votes alone with the assent of the inspectors and under their supervision.

This occurred in instances where not only the Republicans, but also the Democrats, were in the majority and controlled the board of inspectors; and in every instance the clerks and watchers of both parties participated in the irregular proceeding, if it was an irregularity.

It should be noted as an undisputed fact, that in every instance where this fancied irregularity occurred, the count was correct as was proven by the Democratic participants themselves, and the result was in accordance with the normal vote and the recognized relative positions of the political parties in those localities. Not a particle of proof was given or offered, to show that an error was committed in any instance in counting the votes, although such an inference perhaps is sought to be drawn from the fact that the votes taken from the pile and counted by one person, were not invariably recounted by anyone else, and those counted by one watcher or poll-clerk, were not always re counted by an inspector. The inference is not warranted by the fact, but if it were it is completely overthrown by the testimony of each of these watchers and the clerks that he counted the votes allotted to him correctly; and this also covers the case of the Democratic inspector, McChristen, who, it is claimed, was intoxicated on the day of election. As to all the inspectors, the legal presumption is, that as officers especially assigned to that duty by statute their count was correct; but in the case of McChristen and several others, express proof was given that their counts were correct.

(a.) Seventh district of the first ward of Newburgh.

In this district the vote was counted by the inspectors, each counting his share of the votes, but the count of one was not verified by the others (pp. 103, 104). Here the presumption obtains in the absence of proof to the contrary, that the count was correct (pp. 107-109). There is no pretense of error in the count. "The law presumes that sworn officers of election perform their duties, until the contrary is shown."

Paine on Elections, sec. 763, and cases cited.

The only witness sworn on behalf of the contestant (Dickson), testified that Jacob Herman handled votes while they were being counted (page 107), without stating how or the circumstances under which he handled them.

Herman himself, called as a witness (pp. 767-769), explained the circumstances. He denied that he handled any of the votes or took any part in the count except as one of the watchers (p. 707), and that all he did in the way of handling was to straighten the pile as it was falling over, to prevent its going to the floor (pp. 767-768); and that as far as he observed the votes were counted correctly (p. 768).

Hellock, one of the inspectors, testified that the inspectors counted all the ballots in the presence of the watchers, and the result agreed with the whole number of votes cast (p. 815).

Tygert, one of the other inspectors corroborated Hellock (pp. 885-887). He also testified that he counted his pile correctly, while overlooked by a Democratic watcher, and that the result agreed with the poll-list (pp. 885-886). And there was no contradiction of this testimony.

(b.) Fifth district of the first ward of Newburgh.

In this district it is claimed that the Democratic inspector, McCristen, was drunk, and that Taylor, one of the clerks, helped him count the ballots. Several witnesses were called to show that McCristen was more or less under the influence of liquor, some of whom thought he was intoxicated, but nearly all of them testified that he was sober, and counted his votes correctly. The only evidence that Taylor, the clerk, helped him count the ballots, was to the effect that Taylor stood behind him and looked over his shoulder and verified his count, but did not handle any of the ballots himself, except on one occasion when there was danger of some of them falling to the floor, he simply put out his hand to prevent the accident, which was in presence of all the members of the board; and there is no pretense that he removed any of the ballots.

The witness, Guinn, testified that he could not say whether McCristen was drunk or sober (p. 115). The witness, June, saw McCristen between three and four o'clock in the afternoon, on election day, and

thought he was too drunk then to attend to business, but did not observe or know that he had any business that day or how well he did it (p. 120).

The witness, Deeseroth, thought McCristen was "pretty full," the larger part of the afternoon, and observed Taylor assisting him in counting the ballots that night (pp. 125-128). Taylor was one of the watchers but the witness does not state how or in what manner Taylor assisted McCristen in counting.

The witness Bridget Moran testifies that McCristen was sober election day, but that he came to her saloon after the vote was canvassed, and got a glass of ale at her bar, on his way down after the canvass was completed (pp. 104-110).

The witness John Smith testified he thought McCristen was sober (p. 178), and that Taylor merely watched McCristen counting his ballots, but did not count any ballots himself or handle them except when McCristen accidentally touched one of his piles with his sleeve, so that some of them came near falling off the table, Taylor saved them from falling (pp. 177-178).

The witnesses thus far cited, were called on behalf of the contestant, and it will be observed that the weight of testimony even of these witnesses is against the charge, but the testimony offered on behalf of the sitting member clearly disproves any irregularity whatever in the count or in the condition or conduct of the Democratic inspector.

Taylor, the watcher who overlooked the count of McChristen (pp. 579-587), testified that he was perfectly sober (p. 583), and that his count, after the correction was made of one mistake as to one vote for Governor, was correct (pp. 581-583). Taylor also testifies that he had no part in handling the tickets, except on a single occasion he put his hand up and prevented the tickets from sliding off the table (p. 584), and that he simply overlooked the count of McChristen (p. 587). McChristen himself was sworn and examined as a witness (pp. 588-594). He testifies that he drank nothing during the day, except a single glass of ginger ale, and was perfectly sober (p. 598). He also testifies that his count was correct (p. 590), and that Taylor did not count or handle any of the ballots (p. 592-593).

Mr. Earle, who was a poll-clerk, also testifies that McChristen was perfectly sober (p. 595), and that Taylor did not handle the ballots, but simply watched or overlooked McChristen's count and corrected a mistake as to one vote for Governor, caused by his overlooking a split ticket (p. 596).

Mr. Foshay, the owner of the building where the polls were held, and who was there nearly all day (pp. 763-767), testifies that McChristen was "All right, straight and sober" (p. 764).

Mr. White one of the other inspectors (pp. 772-783), testifies that McChristen "Was all right and perfectly sober" (p. 773), and that the voter were counted correctly by the inspectors (p. 779).

Mr. Farrington, the third inspector (pp. 784-786), testified that he counted the votes correctly, as one of the inspectors (p. 786), and that McChristen was "Perfectly sober" (p. 785), although he made one mistake in counting the vote for Governor, which was corrected by Taylor (p. 785).

Mr. Bannon, one of the ballot clerks (pp. 805-808), testifies that McChristen was sober (p. 806), and that the counting of the votes was all done by the inspectors, while being overlooked by the watchers (p. 806).

(c.) First district of the third ward of Newburgh.

The irregularity charged in this district is that the two poll clerks assisted the inspectors in counting the votes, and the counts of the ballot clerks were not verified by the inspectors.

The contestant called Fisher, one of the Democratic watchers as a witness (pp. 423, 424), who testified that the votes were separated into five piles, one being assigned to each of the three inspectors and the two clerks for counting, and that none of the piles were recounted, that no objection was made to this course, and that they all concurred in the result which appeared to be all right, and the witness was satisfied that it was correct. This testimony was corroborated by the witness Samuels, the Democratic ballot clerk (pp. 445, 446), who testified that he counted one of the piles correctly, and that the general result appeared to be correct. This is all the testimony offered on behalf of the contestant.

The witness Beggs, one of the inspectors, testified on behalf of the sitting member (pp. 815-819), that this course had always been pursued at prior elections in that district, the ballot clerks assisting in counting the votes (p. 816). But on this occasion the watchers of the opposite party closely observed each inspector and clerk while engaged in the count, and the gross results of the count agreed with the whole number of votes at the polls (pp. 816-818). He was satisfied that the entire count was correct (p. 817), and that he counted his own pile correctly (p. 817).

Another inspector, McDonald (pp. 819-820), testified that he counted his pile correctly, and that the whole count was correct, so far as he could ascertain or discover (p. 820).

The third inspector, Herrington (pp. 820, 821), also testified that he counted his pile correctly; and Johnson, the other ballot clerk, who assisted in counting the votes, it is admitted, was sick and unable to be present as a witness, and that he would swear he counted his pile correctly (p. 816).

It is thus affirmatively proven by all the persons participating in the count that it was absolutely correct.

(d.) Second district of the third ward of Newburgh.

The same irregularity is charged in this district. The only witness called by the contestant, George Smith (pp. 183, 188, 189), testified that he was one of the poll clerks, and that the two clerks assisted the inspectors in counting the ballots, none of the counts being verified by the others, but that he counted his pile correctly (pp. 183-185), and that the general result was the same as usual in that district (p. 188). This statement was corroborated as to the manner of counting by Leslie, the other clerk, and by Chapman, the Democratic inspector, who were called as witnesses for the sitting member.

Leslie testified (p. 769) that he counted his pile correctly, that all of the counts were open to the observation of the watchers (pp. 770-771), and that the result tallied with the poll-list (p. 772).

Chapman testified (p. 804) that he counted his pile correctly, and that the practice of allowing the clerks to assist in the counting had always prevailed in that district (p. 805).

(e.) Third district of the third ward of Newburgh.

In this district the only Democratic inspector, Cameron, was called as a witness, who testified that all the votes were counted by the inspectors, each counting his own pile, which was not verified by the others. He counted his pile correctly, and the result was the same as usual in that district (pp. 189-190).

Of course the legal presumption that the officers did their duty in the absence of other evidence is conclusive.

But Cameron is contradicted in one material, particular by Moss, another inspector (pp. 883-885), who testified that Cameron did verify the counts of the other two inspectors, as he recounted each of their piles, although they did not verify his account (p. 883.)

He further testified that he counted his pile correctly, and that the general result agreed with the poll-list (pp. 883-884), and that the watchers were all satisfied with the count of the inspectors (pp. 884-885.)

(f.) Fourth district of the first ward of Newburgh.

In this district there is no dispute in any of the evidence, but that the inspectors counted the votes, and each inspector

verified the count of the others, but there is some conflict as to whether the two watchers did not also count a portion of the votes. It is immaterial whether they did or not, as it is undisputed that the inspectors also counted the votes. The contestant called three witnesses, two watchers and the Democratic inspector.

Valentine, a Democratic watcher, testified (pp. 180-183), that the watchers assisted the inspectors in counting the votes, or that they recounted them sometimes before and sometimes after the inspectors had done so, that he participated in the count and counted his pile correctly, and the others did also as far as he knew (pp. 181-182).

Vrooman, another watcher (pp. 372-373) testified that he saw some of the watchers counting the votes, but the inspectors also counted the same votes (p. 373).

Sandsbury, the Democratic inspector (pp. 190-206) who voted for Lamont (p. 196), testifies that he did not see Valentine assist in counting the votes (p. 190), that the inspectors counted all the votes themselves (pp. 197, 198, 205 and 206), and that the count was correct (p. 201).

This is corroborated by the other two inspectors, Topping and Hill, who were sworn on behalf of the sitting members. Topping testified (pp. 808-813), that the votes were counted by the inspectors alone (p. 108), and that they were not assisted by anyone (pp. 808, 809 and 813). Hill testified (pp. 813 and 814), that each inspector counted all the tickets himself and no one else counted the ballots (p. 814). The probability is that some of the watchers counted portions of the votes over again, after the inspectors had done so, for their own satisfaction, but whether they did so or not it is entirely immaterial, as there is no claim or proof that there was any error in the count.

(g.) First district of the town of Mamakating.

The contestant called a single witness, Norbury, who was a ballot clerk in this district, and testified that the votes were counted by himself and the other ballot clerk alone, each clerk verifying the other's count, and that the inspectors did not count the votes. He testified that the count was correct and in accordance with the usual result in that district (p. 457-8). This man, for some inscrutable purpose, must have committed downright perjury, as he is flatly contradicted by all the other witnesses, including the Democratic inspector, all of whom were called on behalf of the sitting member.

Decker, the Democratic inspector, testified that the ballots were all counted by the inspectors alone, each one verifying the count of the others, and found them all right, but the clerks did not count the votes (p. 803). He is fully corroborated

rated by the testimony of Billings, the other clerk (pp. 867 and 868), and by both the other inspectors, Bell and Bennett (pp. 868-870). If these four witnesses tell the truth, there was no irregularity and the count was correct; but even if Norbury's statement be accepted, the count is also correct and no error resulted from the irregularity.

The authorities all concur in holding that an irregularity of the election officers which does not affect the final result will not be regarded as a ground of contest or as a reason for invalidating the return. "Ignorance, inadvertence, mistake, or even intentional wrong on the part of the local officials should not be permitted to disfranchise a district." "The rules prescribed by the law for conducting an election are designed chiefly to afford an opportunity for the free and fair exercise of the elective franchise, to prevent illegal votes, and to ascertain with certainty the result. Generally such rules are directory, not mandatory, and a departure from the mode prescribed will not vitiate an election, if the irregularities do not deprive any legal voter of his vote, or admit an illegal vote, or cast uncertainty on the result, and has not been occasioned by the agency of the party seeking to derive a benefit from them."

Paine on Elections, Sections 497-8, and cases cited.

(h.) Eighth district (ward not named) of Port Jervis.

In this district there were two Democratic inspectors and one Republican. Mead, one of the Democratic inspectors, was the only witness called by either party (pp. 306-307), and testified that the votes were counted by the inspectors, each counting his own pile, which was not verified or recounted by the others (pp. 306-307), and that he counted his pile correctly (p. 307), and that this practice had been the custom in this district (p. 309).

Here, again, the legal presumption applies that each of the inspectors properly performed his official duties, and correctly counted the votes.

(i.) Similar irregularities in counting the votes in other election districts, which were controlled by Democrats, were shown on behalf of the sitting member. But in view of the legal rules to which we have adverted, we will not stop to revert to the evidence. The time and labor thus employed would be entirely wasted as there is nothing in this class of objections raised by the contestant.

(2.) Electioneering within 150 feet of the polls.

Some evidence was given tending to show that the Republican workers in several election districts electioneered for votes on the street or in an adjoining building within 150 feet of the polls.

The weight of evidence in nearly every instance was against the claim, as the affirmative testimony is merely a matter of surmise, none of the witnesses having heard any of the conversations between the workers and the persons whose votes are supposed to have been solicited, nor is there any proof identifying any particular voters as having been procured under such circumstances.

We will, however, briefly refer to the evidence bearing on the subject in the various districts.

(a.) Fifth district of the first ward of Newburgh.

The contestant called a witness by the name of Deeseroth who testified that he saw Odell, a Republican worker, meet parties and converse with them on the street within 150 feet of the polls, and accompany some of them to the polls, but heard no part of the conversation between them (pp. 126-128). He further testified that he saw Rourke talk to voters and hand them pasters outside of the limit of 150 feet, but did not hear what he said to them, and he did not see Rourke and Odell meet and converse with each other, but some of the persons to whom Rourke handed pasters afterward talked to Odell within the limit (pp. 127, 128).

Van Gorder, who was called on behalf of the sitting member, testified that he was at the polls nearly all day, and saw what was going on there, and that there was no electioneering within 150 feet of the polls (p. 719).

The witness Cruger testified (p. 948) that he also was at the polls that day, and there was no electioneering within 150 feet of the polls to his knowledge.

(b.) First district of the second ward of Newburgh.

The following witnesses were sworn on behalf of the contestant:

June testified that he saw Withers, Odell and others, Republicans, talking with people on the sidewalk in front of the place where the polls were held, and in front of the engine-house adjoining until they were ordered to go away by a police officer (pp. 120-121). He did not hear anything they said to each other (p. 122).

Williams, another witness, also testified that he saw Withers and Odell within the statutory limit talking to persons on the street. He finally went across the street to them and remonstrated without effect, and as he approached them heard a voter say that he would not vote the ticket, about which they seemed to be talking (pp. 313-317). Mahoney testified that he saw Odell and Withers talking to colored voters on the street within the prescribed limit, but he heard nothing that was said between them (p. 445).

Odell and Withers were called as witnesses on behalf of the

sitting member, and Odell testified (pp. 597-599) that he was a regular watcher at the polls, and was inside the limit much of the time, but did no electioneering whatever (pp. 597-598). He distributed no pasters that day (p. 600). He and Withers, another watcher at the same poll, were talking with each other, and not with voters, when Williams interrupted them, and complained of their electioneering (p. 599). Withers also testified (pp. 601-609), that he did no electioneering within the prescribed limit, and was in conversation with Odell, no voters being present, when interrupted by Williams, who came across the street for that purpose and threatened them with arrest (pp. 601, 603 and 607). It is evident that the charge is based entirely on suspicion, and there is not a particle of proof that any votes were obtained or the result affected by any electioneering, if it occurred.

(c.) First district of the third ward of Newburgh.

Contestant called two witnesses, Raiser, the ex-convict, and a man by the name of Fisher. Raiser testified that he saw McBirney, a Republican, solicit vates within 150 feet of the polls, around the corner of an intersecting street, and out of view of the polls, and that he took voters into the Lawson hose house, which was the first or second building from the polls on the same street before reaching the corner (pp. 73-74), but he heard no conversation and states no fact concerning the action of McBirney.

Fisher testifies that he observed Reidell talking to one or two men at the door of the engine-house (evidently the Lawson house) as they passed by, but could not hear what was said. He also observed McBirney at the same place, and complaint being made to a policeman, he ordered them away, and they then went around the corner of the intersecting street. The witness thought that the persons conversed with by Reidell and McBirney were purchasable voters (pp. 545-548). McBirney and Reidell, the persons thus implicated, gave their testimony on behalf of the sitting member as follows:

McBirney testified (pp. 609-611) that there was no electioneering at that poll by anyone that day, whether inside or outside the statutory limit. His duty as a worker was merely to go for voters who had failed to appear, when the names of such absentees were given him for that purpose. He was simply to bring in the absent voters (pp. 609 and 610). The class of voters living in that district did not need electioneering (pp. 610 and 611). He was outside of the limit all day (p. 611).

Reidell testified (pp. 611-613) that he gave out no pasters, solicited no votes, and did no electioneering at all that day; that he was a member of the Lawson hose company, having its headquarters in the adjoining building, and was in and about there that day as usual, that company being composed about equally of Democrats and Republicans, many of whom of both parties were there during the day, and there was no electioneering on either side (pp. 612 and 13).

(d.) Second district of the first ward of Newburgh.

The contestant called as a witness Robert Hanna, who testified that he did nothing more than to give out a few pasters to voters, at the request of James Todd, who was a Republican worker. Hanna stood, however, outside of the limit of 150 feet from the polls (pp. 471-472). Some of the voters approaching him asked "if there was anything in it," and he told them he had nothing; and sometimes said that Mr. Todd might have something. From four to six of them he afterwards saw talking with Todd, who was stationed down the street near the other men who were Democratic workers. He had no arrangement whatever with Todd as to money matters for the payment of himself or of other voters. He also testified that he knew of no money being furnished or paid to any other voters (pp. 471, 783).

This is all the testimony relating to this election district.

(e.) Eighth district (no ward mentioned) of Port Jervis.

The following testimony was given in behalf of the contestant. Mead testified that he saw Bonner, a Republican worker, give a paster ballot to a colored man and solicit votes during the day within the prescribed limits; he "saw him talking with a number of men" (pp. 307-308).

Martin, another witness, testified that he saw Bonner, within the limit talking with men, walking backwards and forwards, and heard him talking, but could not repeat anything that he said (pp. 397-398). Further comment on this class of testimony is unnecessary.

(f.) Town of Woodbury (no district named).

The effort to prove by the witness Earle, that there was electioneering in this district within the limit utterly failed (pp. 463-470). Two voters were merely informed that they had a right to assistance, if they were unable to read their tickets, and both of them made the requisite affidavits. The witness testified that he saw nothing of the sort that is usually called electioneering (p. 46).

(g.) Similar irregularities in electioneering within the statutory limit were proven in several instances by persons acting in the interest of the Democratic party. But we omit references in detail to the testimony, as we deem it a mere waste of time

and labor in view of the well established rule that such acts of third persons, where they are not clearly shown to have affected the result of the particular poll, can not be considered except in passing on the propriety of receiving or rejecting the votes of particular persons. We content ourselves with the passing remark that if the committee desire to dwell longer on this topic, they will find instances of more serious import and food for deeper reflection in the testimony of some of the witnesses called for the sitting member than in any of those above adverted to. (See the testimony of the following witnesses: Jeremiah E. Bonner [pp. 970-976], Daniel E. Condit [pp. 976-986]).

(h.) Several other trivial irregularities have been charged against persons acting in the interest of the Republican party in several election districts, which we are unable to notice in detail because of the shortness of time allotted by the committee. We can only refer to them by name,—such as opening the ballot-boxes in one or two instances and removing tickets inadvertently dropped into them; which, however, was always done with the approval of the Democratic inspectors and officers in attendance; and also entering the booths with voters, which was only done where the requisite demand was made and the preliminary oath administered. Similar acts were proven against the other side in other districts. We have only time to add that all official acts of this character, even if they are technical violations of the statute or of the common law, will not be considered as affecting the validity of the election.

Paine on Elections, Secs. 497-509.

V. RECAPITULATION.

Upon the evidence before the committee there can be no question of setting aside the return from, or rejecting the entire poll of any election district. This can never be done where the common law prevails, so long as the illegal votes can be traced and identified and the poll purged by their rejection or deduction from the proper party in whose favor they were cast at the election. “Where illegal votes have been cast the true rule is to purge the poll, by first proving for whom they were cast, and thus ascertain the real vote, but *if this can not be done*, then to exclude the poll altogether.”

Paine on Elections, Sec. 513.

In this case there is no difficulty in that respect. All of the votes proven to be illegal on account of bribery or corruption or from any other cause upon either side, have been clearly identified and traced, so that the proper deductions can be made and the real vote ascer-

tained. The rule in England is governed by special statute, and has no application here.

There are only nine voters proven to have been bribed, who were members of the Sherman Club and voted the Republican ticket, unless the ridiculous hearsay testimony of Hasbrook be accepted as conclusive, and in that case nineteen more would be added, making twenty-eight in all.

There were six members of the Chester Club who may be classified in the same category.

There must be added eleven illegal Republican votes from the alms-house in Newburgh. But there were also sixteen illegal Democratic votes cast from the alms-house in the same district.

There can be no rejection of the voters mentioned by Warwick as purchased by Herman, even if his hearsay testimony be accepted because he does not name or identify a single voter. But if his statement could be received as proof it would only add thirty-three or thirty-four votes to the tainted Republican list.

If we allow all the hearsay testimony concerning bribery in Port Jervis, there are only two purchased voters who can be charged to the Republican ticket, Edward Gleason and Lorenzo Odell, all the others having in fact cast their votes for the Democratic ticket.

And if all the other members of the Sherman and Chester clubs were added, it could not amount to 200 votes in the aggregate, to be deducted from Mr. Richardson's official majority of 605.

But we have sixteen voters from the alms-house in Newburgh, two in the town of Monroe, and three more in the town of Goshen, all of whom have been identified by name — twenty-one in all, saying nothing of as many more whose names were not given, which must for the same cause be deducted from the Democratic column.

If, however, the revolutionary method should be attempted of throwing out the entire polls in those election districts in which voters are shown to have been bribed, the case of the contestant will not be much improved. In that view it will be necessary to clearly identify the district in every instance, which the contestants, as we have shown, have failed to do. And in that view we should present on behalf of the sitting member the following additional reductions from the Democratic column of the contestant:

	Lamont's plurality.
First district of Monroe	18
Second district of Monroe	48
Fifth district of Goshen	23

But we will not assume that a constitutional tribunal will resort under any circumstances to such an extreme measure. It can not turn out the sitting member unless the balance of illegal votes against him is sufficient to overcome his official majority. "It is no objection to an election, that illegal votes were received, unless the illegal votes changed the majority. The mere fact of their existence never avoids an election. This is so plain a proposition that it needs no authority to support it. It is the principle adopted and acted upon in all cases of contested elections, whether in the British Parliament, the Congress of the United States, the Legislature of this or any other of the United States. The burden of proof too is always upon the persons contesting the election."

Sudbury v. Stearns, 21 Pick., 148, 154-5.

The foregoing decision was made before the recent act of Parliament was passed, but is still the law of this State and other States where the rule has not been changed by statute.

Ex parte Murphy, 7 Cow., 153.

The simple question is, in such a controversy, who received the most legal votes.

People v. Pease, 27 N. Y., 45.

The certificate of election is *prima facie* evidence of the election of the sitting member, and the burden of proof is on the contestant to overthrow it.

People v. Thatcher, 55 N. Y., 525.

People v. Cook, 8 N. Y., 68.

VI.

The objection made to the return from certain election districts, in view of the facts proven in several instances and finally admitted to exist in all cases, is too trivial to require extended notice.

It is a conceded fact that the "apparent discrepancy appearing upon the face of the returns in evidence is due to the failure on the part of the inspectors to attach to the returns, split tickets in each and every instance, and that the difference between the returns of the straight tickets and the votes cast for the respective candidates for senator, arise in the difference of opinion entertained by inspectors, as to what is a straight ticket, and the trimmed ballots arises from the trimming of the official ballots and not that the official ballots were smaller than the law required" (p. 969). Besides, in every instance the body of the return sets forth the entire vote for each candidate correctly, and

the discrepancy arises solely from the figures attached to the sample ballots annexed to the return, and in such a case it has recently been decided by the Court of Appeals that the statement in the body of the return must control. The duties of the inspectors as to the sample ballots are merely directory.

People ex rel Noyes v. Canvassers of Chemung,
126 N. Y., '392.

The petition of the contestant should be dismissed and the election of the sitting member confirmed.

E. COUNTRYMAN,
M. H. HIRSCHBERG,
W. F. O'NEIL,
Of Counsel for Sitting Member.

